

cd.  
Aloha Lani Abe  
P.O. Box 44561  
Kawaihae, Hawai'i 96743

To: Assistant Interior Secretary  
Mr. John Berry and

Tribal Justice Director  
Mr. Mark Van Norman

c/o Document Management Unit  
MS-7229 MIB  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Sirs:

January 1, 2000

Aloha! I am the Kanaka E who asked for your forehead against mine, invited your eyes into mine, to share a common breath or Ha, to achieve simple understanding between individuals that are not trusting of one another. This gesture may not have been given a second thought, but in the simplicity of the moment it certainly brings men to the root of their intentions.

Hawai'i being the 50th State is no longer an option. What is needed is an unprejudiced show of your own beliefs in right and wrong. Reconciliation is a word mainly used in civil disputes in which both parties have opposing ideas. Public Law 103-150, is an admission of criminal wrong-doing, even if judged in your own courts requires full restitution to its victims, if humanly possible.

The impression most Kanaka's are left with is that the U.S. intends to continue holding on to its ill-gotten gain. Reconciliation is just insult to injury. If in reality the United States is the great liberator of the world, then you only have one clear course, which is a golden opportunity to walk the walk.

The only nation within a nation desired by those who truly love this land Hawai'i, is the exchange of ambassadors. Embassies are foreign soil according to the Law of Nations.

Even your own laws recognize irreconcilable differences. Can't you see we want a Divorce, on the grounds that there was never a lawful marriage. Hawai'i was and still is being raped under protest. Full restitution to an Independent Nation and its citizens is the noblest course of action. I invite Secretary of State Madeleine Albright to begin healing the American conscience

In hope we all trust  
a higher authority.  
"Patrick Henry did"

Aloha Lani Abe  
Hawaiian National



November 22, 1999

Assistant Secretary John Berry  
c/o Document Management Unit  
The Department of the Interior  
1849 C. Street, NW Mailstop-7229  
Washington, D.C. 20240

Re: Transmittal of Testimony for Federal Hearings on  
Reconciliation Process for December 10-11, 1999, in Honolulu

Dear Secretary Berry:

I am a Native Hawaiian attorney licensed to practice law in the state and federal courts within the State of Hawaii with an emphasis on Native Hawaiian Rights. My first exposure to land title research was as a law student beginning in 1974 which evolved to legal research papers on Hawaiian land and sovereignty. I have engaged extensively in land title litigation on behalf of Native Hawaiians to defend and recover ancestral lands in numerous quiet title actions since 1981.

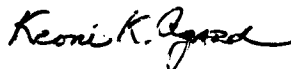
I was on the team that secured the legal research and documentation to provide the basis for negotiating a return of over 16,518 acres to resolve the land claims against the State of Hawaii back to the Department of Hawaiian Home Lands (DHHL) in 1994. I was also assigned to oversee the professional appraisal work that provided the basis for a negotiated settlement with the State of Hawaii for the uncompensated use of lands that was approved in 1995 in the amount of \$600 million that is to be awarded incrementally over the next 20 year period to DHHL.

I am qualified as a land title expert to testify in the state courts in Hawaii. I also have testified numerous times before the Water Commission with regard to water applications, water reservations and related issues.

Attached is my testimony for the record in preparation for the hearings set for December 10-11, 1999, in Honolulu, Hawaii.

If designated as a panelist for the upcoming hearings, I can be reached at (808) 261-4751 phone/fax.

Sincerely,



Keoni K. Agard

kua-3

**TESTIMONY  
of  
KEONI KEALOHA AGARD**

**Federal Hearings/Reconciliation Process  
December 10 & 11, 1999  
East West Center (UH Manoa)  
8:00 a.m- 6:00 p.m.**

**Aloha John Berry and honored guests:**

I am Keoni Kealoha Agard. I am a Native Hawaiian attorney licensed to practice law in the state and federal courts within the State of Hawaii with an emphasis on Native Hawaiian Rights. My first exposure to land title research was as a law student beginning in 1974 which evolved to legal research papers on Hawaiian land and sovereignty. I have engaged extensively in land title litigation on behalf of Native Hawaiians to defend and recover ancestral lands in numerous quiet title actions since 1981.

I was elected in January 1999 in a worldwide election as a delegate from the Ko'olaupoko moku to the Aha Hawai'i 'O'iwi (Native Hawaiian Convention, (NHC), whose purpose is to propose a government of our own choosing. I serve as its First Vice President. Our Chairman will be providing testimony on behalf of the NHC at this hearing with regard to an existing process to restore a political entity that will possess the authority to speak on our behalf as a nation. However, for today's hearing, I am presenting testimony on behalf of myself and my family members. I must provide an important caveat to preface my substantive comments in the points listed below.

**1. Special Appearance- We Do Not Submit To Jurisdiction of U.S.**

As to political status, we are not in favor of any form of integration or free association. We do support the assertion of our claim to full independence. As such, we do not submit to the jurisdiction of the United States by participating in this reconciliation hearing process. Instead, we make a special appearance to advise the federal government of our position with regard to this process.

**2. Proper Party Must Come To The Table**

We insist that the proper party, the Department of State, (the U.S. agency responsible for international/foreign affairs) come to the table to initiate government to government negotiations to resolve the international dispute of treaty violations committed by the U.S. in 1893 as well as the unlawful seizure (by

way of an alleged annexation) of our nation in 1898. There can be no true reconciliation in the absence of this demand being fully implemented.

**3. No Waiver of Right to Assert Independence**

Any results or final recommendations coming out of the reconciliation hearing process shall not constitute a waiver of our right to assert full independence as our preferred political status.

**4. No Final Settlement**

Any results or final recommendations coming out of the reconciliation hearing process shall not constitute a final settlement of any claim(s) held by the nation Kingdom of Hawai'i. We reserve our right as a nation to seek proper reconciliation before the appropriate international forum(s).

**5. Satisfying the Continuing Obligation of U.S. to Native Hawaiians Does Not Mean the U.S. Has Met Its Commitment to Reconciliation**

Any results or final recommendations coming out of the reconciliation hearing process that addresses the support for health, education, language and housing programs currently enjoyed by Native Hawaiians represents a "continuing obligation" that the U.S. government must exercise in order to fulfill its existing trust responsibility to Native Hawaiians, and does not constitute the full measure of what we consider as complete reconciliation.

**Hawaiian Land and Natural Resources**

There is an estimated 1.8 million or more acres of lands (so called "ceded lands") that were illegally seized by the U.S. government from the nation Kingdom of Hawai'i at the time of purported annexation in 1898. They must be returned. References to these ancestral lands are made in Public Law 103-150, November 23, 1993, 103D Congress, S.J.Res.19, that states in part that:

Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;

Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the the United States...;

Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

**Whereas, the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory...;**

**In short, a resolution must be reached to address the matters contained in these whereas clauses. The issue is when and how will these ancestral lands be returned? What steps need to be examined, then implemented to achieve the desired results?**

#### **Conflict in Terminology**

**In times of old, we were known as Kanaka Hawai'i Maoli. This term has been replaced by the U.S. government through the enactment of various laws by imposing the Western world's own choice of the term "Native Hawaiian(s)". This term has divided our community because it creates a division of "haves" and "have nots". It dictates who receives benefits and who does not. The definition of who we are must be determined by our own, not by the U.S. govt.**

#### **Congressional and State Legislative Path**

**Indian nations have addressed land claims issues by going to the U.S. Congress in the past as one alternative. What options are available to us in Hawai'i? Approximately 400,000 acres or more is currently held by the U.S. government, with the remaining 1.4 million acres or more transferred to the State of Hawaii in 1959 at time of Statehood. The return would require the U.S. Congress and the State Legislature to enact laws to execute the transfer. Although the federal government no longer holds those lands it transferred in 1959 to the State, arguable the federal government has a continuing obligation and responsibility to ensure the proper and complete return of all ceded lands. Whether the federal government can now compel the State of Hawaii to return said lands is an issue that needs careful clarification.**

#### **Presidential Executive Order**

**A preferred method of transfer is that immediate steps be taken to have President William Clinton issue an executive order to return all ceded lands. An agreement can be reached on what interim entity will hold/receive and administer such lands until a government of our own choosing is restored and in place. Serious discussions on how this can be accomplished must ensue.**

**Because of the limited time I had in order to prepare this preliminary testimony, I reserve the right to further supplement the record by submitting additional testimony prior to the January 2000 deadline.**

**Thank you for this opportunity to present this testimony for the record.**

**kua-4**

November 26, 1999

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Assistant Secretary John Berry  
c/o Document Management Unit  
The Department of the Interior  
1849 C. Street, NW Mailstop-7229  
Washington, D.C. 20240

Re: Transmittal of Testimony for Federal Hearings on  
Reconciliation Process for December 10-11, 1999, in Honolulu

Dear Secretary Berry:

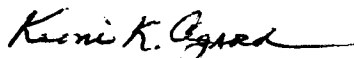
Attached is our testimony for the record in preparation for the hearings set for December 10-11, 1999, in Honolulu, Hawaii.

The Royal Order of Kamehameha I (ROOK) was founded in 1865 by King Kamehameha V, ruling monarch of Hawai'i. We are the oldest Hawaiian organization (nearly 135 years old) still in existence today. We request that we be designated as a panelist at the upcoming hearings.

One of our members, Keoni K. Agard, is authorized to present our group's testimony as of this morning pursuant by directive of Ali'i Nui Gabriel Makuakane, head of the ROOK. Mr. Agard has also separately transmitted his individual testimony asking to be a panelist in his individual capacity. We request that we both be designated as panelists. Please advise.

You can reach our designated contact person, the undersigned, at (808) 261-4751 phone/fax. Thank you for your kind attention.

Sincerely,



Keoni K. Agard  
Authorized Representative  
Royal Order of Kamehameha I

cc: Ali'i Nui  
Ku'auhau Nui

rook-4

**TESTIMONY  
of  
ROYAL ORDER OF KAMEHAMEHA I**

**Federal Hearings/Reconciliation Process  
December 10 & 11, 1999  
East West Center (UH Manoa)  
8:00 a.m- 6:00 p.m.**

**Aloha John Berry and honored guests:**

I am Keoni Kealoha Agard. I have been authorized to speak on behalf of the Royal Order of Kamehameha I (ROOK), which is headed by Ali'i Nui Gabriel Makuakane. The ROOK was established in 1865 by King Kamehameha V for purposes that include: 1) to preserve and perpetuate the ancient customs and traditions of Hawai'i, 2) to infuse the spirit of patriotism, and 3) to encourage and develop leadership. Our membership, including spouses total over (500) five hundred with chapters located in each of the four counties (Hawai'i, Maui, Oahu, and Kauai) throughout the State of Hawai'i.

Others today will speak on a process to restore a political entity that will possess the authority to speak on our behalf as a nation. However, for today's hearing, we speak only on behalf of our membership. We must provide an important caveat to preface our substantive comments before we begin.

1. **Special Appearance- We do Not submit to the jurisdiction of the United States of America**

As to political status, we assert that the Kingdom of Hawai'i continues to exist (see attached resolution). As such, we do not submit to the jurisdiction of the United States by participating in this reconciliation hearing process. Instead, we make a special appearance to advise the federal government of our position with regard to this process.

2. **The Kingdom of Hawai'i continues to exist**

Prior to 1893, the United States recognized the territorial dominion of the Kingdom of Hawai'i by entering into at least five distinct international treaties with the Kingdom of Hawai'i. In addition, at least 20 foreign countries signed treaties and conventions with the Kingdom of Hawai'i recognizing its status as an independent state on equal footing with all the world powers.

In 1993, the Royal Order of Kamehameha I passed a resolution in Grand Council stating that the Kingdom of Hawai'i continues to exist. We re-affirm that statement. Such statement is based on the fact that no treaty of

annexation was ever approved or ratified between the Kingdom of Hawai'i and the United States of America. The U.S. Constitution requires a 2/3 vote by the U.S. Senate in order to ratify a treaty. No such vote was ever secured by the U.S. Senate at any time in history. Moreover, the native population organized in 1897 in protest by signing over 38,000 signatures to oppose annexation to the United States. The puppet government of the self-declared Republic of Hawai'i did not have the popular support of the people. It was neither a de facto nor de jure government and thus had no authority whatsoever when it purportedly ceded the sovereignty of the Kingdom of Hawai'i to the U.S. without the support of the people in 1898.

The governing body of the Kingdom of Hawai'i was destroyed when the U.S. took over unlawfully in 1898. That governing entity must be re-established and put back in its rightful place. We support the efforts of those in our community that are making strides to restore the nation. Despite the temporary displacement of our governing body, we, as a people, continue to exist. Indeed, the Kingdom of Hawai'i continues to exist.

3. Return all ceded lands  
Hawaiian Land and Natural Resources

There is an estimated 1.8 million or more acres of lands (so called "ceded lands") that were illegally seized by the U.S. government from the nation Kingdom of Hawai'i at the time of purported annexation in 1898. They must be returned. References to these ancestral lands are made in Public Law 103-150, November 23, 1993, 103D Congress, S.J.Res.19, that states in part that:

Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;

Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the the United States...;

Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

Whereas, the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory...;

In short, a resolution must be reached to address the matters contained in these whereas clauses. The issue is when and how will these ancestral lands be returned? What steps need to be examined, then implemented to acheive the desired results?



## **Congressional and State Legislative Path**

Indian nations have addressed land claims issues by going to the U.S. Congress in the past as one alternative. What options are available to us in Hawai'i? Approximately 400,000 acres or more is currently held by the U.S. government, with the remaining 1.4 million acres or more transferred to the State of Hawaii in 1959 at time of Statehood. The return would require the U.S. Congress and the State Legislature to enact laws to execute the transfer. Although the federal government no longer holds those lands it transferred in 1959 to the State, arguable the federal government has a continuing obligation and responsibility to ensure the proper and complete return of all ceded lands. Whether the federal government can now compel the State of Hawaii to return said lands is an issue that needs careful clarification.

## **Presidential Executive Order**

A preferred method of transfer is that immediate steps be taken to have President William Clinton issue an executive order to return all ceded lands. An agreement can be reached on what interim entity will hold/receive and administer such lands until a government of our own choosing is restored and in place. Serious discussions on how this can be accomplished must ensue.

### **4. Compel State of Hawai'i to comply with its obligations under Section 5(f)**

As a precondition for admission into the Union, the State of Hawai'i and its people accepted certain responsibilities for native Hawaiians as set forth in Section 5(f). Under the provisions of the Statehood Act, P.L. 86-3, passed March 18, 1959, the State is required to set aside ceded land revenues for certain purposes, including "for the betterment of the conditions of native Hawaiians". Under current State law 20% of all monies collected by the State on ceded lands are required to be paid to the Office of Hawaiians Affairs (OHA). The State has failed to comply with its legal mandate thus forcing OHA to file suit. Long standing litigation is still pending, as the State continues to drag its feet in complying with its promises to pay as required by law.

How can the federal government help native Hawaiians in this regard? We request that the federal government take immediate measures to compel the State to comply with its moral and legal commitment to fully implement its responsibilities to the native Hawaiian people.

### **5. Fund the process to restore a government**

Kanaka Hawai'i Maoli are currently in the process of re-establishing and restoring a government of their own choosing. How can the federal government help native Hawaiians in this regard? We request that the federal

government take immediate steps to adequately fund the process to enable Kanaka Hawai'i Maoli to exercise their rights to self-determination to re-establishment a political entity that can speak on behalf of the nation. Until that political entity is re-established, the federal government will be forced to deal with a multitude of numerous groups.

The Hawaiian self-determination movement is far from a fringe effort. Its basic emotional and philosophical appeal has been endorsed by the very core of established Hawaiian society including the Royal Order of Kamehameha I (see attached editorial dated 1/10/95).

Because of the limited time we had in order to prepare this preliminary testimony, we reserve the right to further supplement the record by submitting additional testimony prior to the January 2000 deadline.

Thank you for this opportunity to present this testimony for the record.

rook-5

TESTIMONY  
Of  
Louis Agard  
Delegate to the Native Hawaiian Convention  
To the December 1999 Reconciliation Hearings

My name is Louis Agard and I am making my comments  
Based in part on my experience with native Hawaiian issues and my  
Service with the Hawaiian Homes Commission as a former Commissioner.

The comments of John Berry made at Mauna Ala, and at the  
Queen Liliuokalani statue and also one at the Iolani Palace bandstand  
Are welcome. As the comments may indicate the status between the U.S.  
And the people of the nation of Hawaii. The people of the nation of Hawaii  
Enjoyed the declaration of a common interest in all of the lands of Hawaii  
Made by the nation founder Kamehameha I when he declared that, "all of  
The lands from end of the kingdom to the other belongs to the chiefs and  
People in common," which would include himself as the chief paramount.  
This declaration made by Kamehameha I was delivered after his seventh  
And last battle in 1795 when he had unified the islands as a kingdom.

A generation later the young son of Kamehameha I, Kauikeauoli or  
Kamehameha III during his reign would codify and record the native  
Peoples interest, now called a vested interest in all of the lands of Hawaii  
On more than one occasion. First, in the 1839 Amendment of Rights, then  
In the preamble of the first Constitution of 1840 and again in the Principles  
Of the 1848 Mahele land division. The native interest is expressed in these  
Documents and reinforces the original intent.

At times Hawaii's land system has been described as feudalistic.  
Hawaii differs from European feudalism in that there was recognized an  
Interest to the people while not being the case in Europe. And tenants were  
Frequently bound to a specific portion of land and may have to offer  
Military service to the European land owner.

In the 1848 Mahele land division, a further departure from feudalism  
Is seen where Kamehameha III would distribute lands and their resources  
To the native people, to the injury of his private purse. A feat not duplicated  
In any prior history.

Meanwhile, treaties were concluded between Hawaii and the U.S.  
And other world nations. An early treaty with the U.S. of 1826 professed  
Peace and commerce and later treaties called for amity in perpetuity.

At the time there were about 500 native American Indian tribes  
On the continent. Some 300 Indian nations had treaties with the U.S.

And all of those treaties were violated or breached by the U.S. There were Five treaties between the nation of Hawaii and the U.S. at the same time And all five were also breached by the U.S.

Hawaii's five treaties were broken in 1893 when the U.S. for A repeat time, chose to employ its military (Navy) to intervene with a Show of force into the affairs of a nation with whom it had treaties of Peace and friendship.

In 1892 the warship Boston stationed in Santa Cruz, California With the U.S. Pacific squadron was directed by Western Union telegram To go to Honolulu to aid in an annexation exercise. The USS Boston an Armored cruiser was to engage in gunnery practice between island ports And intimidate natives. While on board the warship the daughter of Resident U.S. minister Stevens carried a petition to circulate to support U.S. annexation. Whatever trust that may have existed during the periods Of treaty making had all been compromised.

The intervention into Hawaii's affairs in 1893 saw with the aid Of U.S. military and diplomatic forces the subjugation of Hawaii's government And its people to last for many generations.

In 1893 the aid of U.S. forces allowed its collaborators, the Provisional Government, the opportunity to seize the treasury and assets including the lands In which the people had the identified common and vested interests earlier Identified by the two Kamehameha's. In the unification declaration Of 1795 and the preamble of the first 1840 constitution respectively.

In an investigation of the events of the 1893 intervention and seizure U.S. president Grover Cleveland was to describe the event of landing marines As an "act of war." Which raises the question of whether or not the act of war Is an ongoing affair or the state of war exists without a settlement or treaty Being concluded.

After the 1893 U.S. Aided intervention, its collaborator, the Provisional Government or Republic of Hawaii was to sell off the seized assets and dispose Of some 600,000 acres of native kingdom lands to their co-conspirators during The six years from 1893 to the 1898 annexation. An average of 100,000 acres Per year was sold at questionable prices. Because the Republic of Hawaii Was in debt up to almost \$4 million and paid that amount by the U.S. for the Annexation. And allows the claim that the U.S. purchased Hawaii in the Annexation by the \$4 million payment.

Although the Republic of Hawaii had nothing to give or cede to the U.S., the lands of Hawaii were apparently "quit claimed" to the U.S. in a Ceremony of annexation. The citizenship of the people of Hawaii was also



Claimed by the Republic to cede to the U.S. in the same ceremony.

Conversely, the record reflects, at least 38,000 petitioners opposed Annexation or just about all of the voting citizens of Hawaii in 1897. It is Clear that the native citizenship did not belong to the Republic of Hawaii, Because the natives by petition were voting against annexation and Maintaining their government and citizenship. The native people have had To first live under conditions of subjugation and then a military occupancy Thereafter.

The military presence maybe examined from the context of a famous Case. A Navy officer kidnapped a native accused of attacking his wife. The native is murdered and the officer is found guilty and confined for one Hour in the judges chambers and thereafter deportation. Meanwhile the Navy Advocates placing Hawaii and its people under a Commission form of Government and the Navy to be Commissioner. By the record natives can Expect minimal justice being administered under the Navy proposal.

Hawaii has often been the playground or R&R site for military Forces. In that context what have been the benefits to the native people? In 1941 the well fortified base of Pearl Harbor invited a Japanese surprise Attack, otherwise all other military locations remained secure. Hawaii was Placed under martial law and nowhere else. When the ensuring war ended The military opposed lifting martial law, and citizens had to endure the lack Of habeus corpus in Hawaii for longer than necessary.

The issue is, much of the material and personnel of the past wars have Passed through Hawaii. Hawaii has been well fortified but vulnerable. The Marines that landed in 1893 are still here at Kaneohe and have never left. During the 1960's Dr. Helen Caldicott said there were thousands of nuclear Devises stored at the Lualualei Naval magazine or enough fire power to Eliminate nearly all of the Oahu island population in the case of a single 20 megaton detonation.

On the other hand native people have not been afforded the right of Self determination. While their ancestral resources are assumed and Depleted and others degraded. And natives are expected meanwhile to Continue to support military efforts while they are taxed and denied In many instances. Self determination and sovereignty are the most Universally pursued privileges of the century worldwide, it is no different For the native people of Hawaii to continue to survive and make a Better future for themselves and theirs.

It is apparent that the subjects raised here fall beyond the ability Of the Justice and Interior departments to address, as both departments May only oversee domestic or internal affairs. And the native Hawaiian's

IV

Interest are more closely related to broader international affairs.

For this reason the accompanying Resolutions are being introduced  
Into the NATIVE HAWAIIAN CONVENTION for further consideration  
And appropriate action.

## RESOLUTION

### THE NATIVE HAWAIIAN CONVENTION

Title

WHEREAS: To examine the RICE V. CAYETANO Case and to avoid a lengthy and wide ranging debate taking up Much time and unnecessary expense is the following approach  
And

WHEREAS: In 1795 after Kamehameha I had brought the islands Essentially under his control except for Kauai which later ceded Sovereignty to him, Kamehameha I is recorded to have issued the Following declaration of intent, "all of the lands from one end of the Kingdom to the other belongs to the chiefs (to include himself as Chief paramount) and people in common" and

WHEREAS: Almost two generations later his young son, Kauikeaouli or Kamehameha III issued corroborating statements With the expression that, "there are but three persons who have a Vested interest in all of the lands of Hawaii. He then identified Them as 1) the King synonymous with the Crown, 2) the chiefs and 3) the tenants or people". They are the only three named common interest holders in all of the lands of Hawaii. Which indicates this is in effect the last will and testament of the Kamehameha's, and

WHEREAS: Kamehameha III had the common interest Declaration included and codified into the 1839 AMENDMENT OF RIGHTS, and the preamble of the 1840 CONSTITUTION Then into the 1848 MAHELE or the expression has been made Four times and is clearly the intent of those in authority and who Singularly had the authority to make such a designation and confirms The intent of the Kamehamehameha's. Because all land titles today Come from or emanate from the MAHELE, it follows that the Common and vested interest in all of the lands of Hawaii from one End to the other succeeds to the descendants or heirs of today and Additionally gives them alone the all important STANDING in The matters clearly affecting their now "estate" and

WHEREAS: the 1898 Resolution of Annexation is a supporting Action that recognizes the Kamehameha grants of a common and Vested interest in all of the lands of Hawaii to the identified, "But Three persons", 1) the King, 2) the chiefs and 3) the tenants" Exclusively, and as recited before on at least four occasions.

The 1898 RESOLUTION in the altered Article II states that All of the income from the ceded lands shall be used solely for The educational and public purposes of the inhabitants which Confirms the intent of the Kamehameha's earlier grant actions, or That "the lands shall descend to the heirs forever". Who are the "inhabitants", as all residents of Hawaii consider themselves to be inhabitants? The dictionary describes an inhabitant to be a permanent resident not transient. Natives have resided in Hawaii since time immemorial and are the permanent residents or inhabitants and

WHEREAS: The native common vested interest is again Recognized or confirmed in 1921 when the natives are solely Recognized by being granted some 200,000 acres for their Rehabilitation in the Hawaiian Homes Commission Act of 1920 and

WHEREAS: In 1959 the Admissions Act or STATEHOOD Is granted to Hawaii. In the STATEHOOD Compact Agreement The native (Hawaiian) is again clearly identified as being a special Inhabitant and beneficiary of the all of the ceded lands of Hawaii to Confirm again the terms of the 1898 ANNEXATION and supports The earlier Kamehameha declarations and

WHEREAS The State Constitution Art. XVI-Sec 7 explains the COMPLIANCE WITH TRUST terms as follows, "Any trust provisions Which the Congress shall impose, upon the Admission of this State, In respect of the lands patented to the State by the United States or the Proceeds therefrom, shall not diminish or limit the benefits of native Hawaiians under Section 4 of Article XII". The Compact's terms for The enjoyment of Statehood have not been fulfilled, and a review or Revision of the 1959 Statehood Compact is reasonable and

WHEREAS: Section 4 of Article XII of the State Constitution Requires that lands granted under Section 5(b) of the ADMISSIONS ACT, which are included within Section 5(f), be held by the State as a Public Trust for native Hawaiians and the general Public. Natives Are again recognized for their vested interest in all of the lands of Hawaii's lands and this now becomes an extension of the trust first Created by the Kamehameha's in their earlier grant actions and

WHEREAS: In 1993 the U.S. issues the APOLOGY BILL and Seeks reconciliation with the native people of Hawaii specifically. Not with all of the people or residents living in Hawaii, partly due To the fact that only native people have a common vested interest That has not been fulfilled. The APOLOGY BILL defines the native



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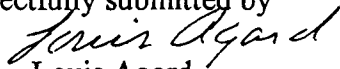
Hawaiian and recognizes their common vested interest in all of the Lands of Hawaii.

WHEREAS: In general due to the foregoing conditions it appears That "Freddy" Rice of the RICE V CAYETANO litigation does not Have STANDING to sue in the Supreme Court. And is engaging in An apparent filing of a frivolous lawsuit. Because Rice does not have A common vested interest in all of Hawaii's lands as decreed by The authority of Kamehameha I the founder of the nation and the later Recording of the peoples interest in documents by Kamehameha III His young son, in three following cases.

THEREFORE BE IT RESOLVED: That the RICE litigation Has gone through three steps. Having lost the case in the lower Courts and moved to the Ninth Circuit Court of Appeals in San Francisco and now before the U.S. Supreme Court. Should Rice Lose this time he should be obliged to pay for all of the court Cases he has caused to be brought forth without prevailing. Rice has essentially discriminated against native people for a third time. While he has enjoyed pro-bono services from his attorney which suggests that he should pay for the costs of OHA having to defend the interest of the beneficiaries while being forced to expend the natives trust monies in the process.

Be it further resolved that the native people of Hawaii (Hawaiians) carry on with their sovereignty pursuit with added vigor. To address the constant decline and loss of their homelands lands, resources and rights, like the challenge to their right to vote in an election of their chosen trustees to represent them.

Respectfully submitted by



Louis Agard

Delegate, Honolulu Moku

THE NATIVE HAWAIIAN CONVENTION AND JUSTICE

FOURTEENTH & FIFTEENTH AMENDMENTS

Title

WHEREAS: The practice of applying the Fourteenth and Fifteenth Amendments  
To native people who have come through no fault of their own, to be located  
On their homeland which was many times taken from them, by being overwhelmed  
And

WHEREAS: There follows the theory that all peoples who now reside on the  
Original natives homeland become treated as equals by the terms of the Fourteenth  
And Fifteenth Amendments and there would be no discrimination, between the parties  
Of the newcomer and the original inhabitant and

WHEREAS: This theory is faulty to the extent that the natives already have a homeland  
And its benefits, while the newcomer is searching for a homeland and its benefits.  
It follows, that in this case, there is an unequal STATUS, and

WHEREAS: Such STATUS means that the native has earned by generations of working  
The land and making it productive a common vested interest in the homeland over and  
Above a newer arrival seeking equal treatment under the Amendments, and

WHEREAS: The frequent and consistent efforts to attempt to place native people in the  
Position of being "racist" in their pursuit to managing by means of an electoral process  
the electing of only native trustees to OHA, is an error. Because only natives possess a  
common vested interest in their homeland and its resources, and

THEREFORE BE IT RESOLVED: that the Fourteenth and Fifteenth Amendments are  
Not applicable to native people, and not discriminatory, nor racist due to the natives  
Common and vested interests in their ancient homeland. And as each individual has an  
Original homeland in which they also have access to a common and vested interest like  
The natives.

Respectfully submitted

*Louis Agard*

Louis Agard

Delegate, Honolulu Moku

## RECONCILIATION RESOLUTION

WHEREAS: The traditional and evolving government of Hawaii was Overthrown and its operating functions assumed by an oligarchy aided By United States diplomatic and military agencies in the coup of 1893  
And

WHEREAS: There were five treaties proclaiming peace, commerce And perpetual amity existing between the parties at the time of the 1893 armed intervention and

WHEREAS: The 1893 coup was followed about five years later with The suspect 1898 RESOLUTION OF ANNEXATION with an Accompanying nearly \$4 million to the Republic of Hawaii For the costs of operating their government after the 1893 coup  
And

WHEREAS: President Grover Cleveland was to first withdraw the Proposed 1893 annexation after his investigation, showed that such was Not the will of the native people and

WHEREAS: The Republic of Hawaii professed to have the citizenship, Loyalty, and consent of the native people of Hawaii to give or cede the Natives interest to the United States in the 1898 ceding of lands and Native citizenship and

WHEREAS: The Republic of Hawaii did not have the consent or interest In Hawaii's lands to convey to the U.S. rather quit claimed what interest They claimed in Hawaii, its resources and natives citizenship to convey By quit claim to the U.S. and

WHEREAS: Conversely a "Giant Petition" was forwarded to the U.S. Congress containing some 38,000 signatures or essentially all of the Native people of Hawaii opposing annexation and preferring their own Traditional government in 1897 and

WHEREAS: The Giant Petition delayed a normal annexation, or acquiring Of territory by the constitutional mandated treaty process until the following Year of 1898 and

WHEREAS: The delay resulted in the Congress imposing the 1898 RESOLUTION OF ANNEXATION that required only a simple majority To pass the congress. The Resolution was disliked by President Benjamin Harrison for its haste and lack of a ratification process for the native People of Hawaii to accept and confirm the terms thereof and

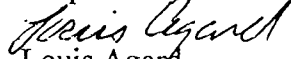
## II

THEREFORE BE IT RESOLVED: That treaty making practices be Reviewed for appropriateness between the two parties. And that a new Treaty be concluded between the parties to permit the occupancy of Hawaii by U.S. Marines who first landed in Hawaii in 1893 and have Remained in Hawaii ever since with other U.S. agencies and

Be it also resolved, that the \$4 million forwarded to the REPUBLIC OF HAWAII in the 1898 Annexation was in effect a grave error, as The Republic had essentially nothing to give in the ceding of Hawaii's Lands, its government or citizenship, rather issued a quit claim, which Should be defended by the issuers and receivers and

Be it further resolved that the \$4 million extended to the REPUBLIC OF HAWAII, as an error and improper payment, be now deposited into The Treasury of the being restored NATIVE HAWAIIAN GOVERNMENT Via the Native Hawaiian Convention (NHC) process. That the NHC Might proceed to help evolve the exercise of self determination on Behalf of its native constituency.

Respectfully submitted

  
Louis Agard

Delegate, Honolulu Moku

## Testimony of a Kupuna

### The scheduled hearings on Reconciliation and Reparations

Name - My name is Eleanor Kalawai'akamali'iwahineli'ili'i Simeona (Kimona Kuakahela Paka) Ahuna. I am a Kupuna and the President of Hui Ho'omau O Keaukaha Panaewa.

Address - I live at 171 King Ave. in Hilo, Hawai'i on Hawaiian Home Land in Keaukaha.

I write this in all respect to my family - my children - four sons and five daughters, and their spouses; thirteen grandsons, ten grand daughters and three great grand sons, a grandson in law and a grand daughter in law, and speak for them and the families of Hawai'i who do not write to testify in person, and or are not represented by any other person or organization.

We look at your scheduled hearing dates and times allowed for our people's participation and decry the fact that you are coming all the way from Washington D.C. and allowing us only three minutes in two hours set aside for oral testimony. This is an insult to our Nation who for over 106 years have suffered such burdensome losses that is incapable of being repaired in the given time allowed.

Your scheduled hearings on land losses, water losses, health, education and housing needs and losses of occupancy and asking us to analyze and put a dollar amount to our losses is a task of immense contention within our people as a Nation.

We have long lived our lives as a people of American citizenship. We have never had to learn our history as a people of Hawai'i in such haste and interest as we have had to within this year. Learning the truth of our Americanization leaves great numbers of our Native Hawaiians distressed, depressed, and oppressed. We are landless, poor, without an identity to truly say "I am Hawaiian", without actually knowing who we are as a Hawaiian.

Many young adults and teens and many of their parents too, do not know who they are as Hawaiians. They only know that they are Hawaiian by their ancestry and born in Hawai'i, but have very little or no knowledge at all about who or what being Hawaiian truly is, except the very strong innate spiritual strength that is deeply entrenched in God's love for us.

Economics and the American way of life required a job outside (or in ) the home to raise and care for our family. Only people whose parents had agricultural or fishing or other Hawaiian life skills (knowledge) were able to teach their families the culture of Hawaiian lifestyle. Otherwise, all the Hawaiians lived as Americans in their lifestyle.

America has given us a democratic, free choice making life. Freedom is a choice, cherished gift, it is a gift from God to all people who live a righteous life with righteous laws.

Today we face a great decision making task. It is a labor of great deliberation. It must be done wisely and with the spirit of truth and determination that shall be the future fulfillment of a dethroned Queen who asked for intervention and return of the Kingdom of Hawai'i's Government 106 years ago in her plea to the United States. One hundred years later, in 1993, President

Clinton formally apologized for the great injustice - the overthrow of the government of the Kingdom of Hawai'i, as President Grover Cleveland had so desired one hundred years earlier as the President of the United States, but was not supported by the Congress of the United States.

The loss of Hawai'i's Government lost our Nation's very life! That loss of the life of the Nation was heavy. Statistics record great negativity in every aspect of social, economic, emotional, educational, medical, housing, cultural, land, water, fishing and gathering rights, access to beaches, and formerly important sites for worship and other cultural practices.

Lands, Kuleana or mahele, were lost through adverse possession or none payment of taxes by Owners unknowingly or who were unable to pay taxes in monetary means, in cash. It was not their culture to use cash to pay for taxes, for their taxes had always been paid for with "in kind" items ...ie... with agricultural products, handmade articles for the King's Kauhale (household) like lauhala mats, wooden bowls, tapa fabric for clothing or cover, woodwork, stonework or even feather work, food, pigs, fowl, and every acceptable item. The season of the Makahiki was their time for paying their taxes.

Our people never owned land in early history. Only the "Ali'i" owned lands. Lands were divided into districts called "Ahapua'a" divided again into smaller sections called "moku" further divided into "ili" and allowed to be used by the people. A "Konohiki" an overseer of the aina, was the supervisor over these lands. Lands were under stewardship to Hawaiians who worked on them and produced their food and resources necessary for daily living. Very industrious and intelligent they labored in their fields utilizing great wisdom in their

agricultural practices. They carefully planned their planting seasons to coincide with the journey of the moon, as well as their fishing trips. All of these practices we're done according to the moon's position in the heavens.

They used the resources of nature to sustain and strengthen their lifestyles. They survived with only what nature provided them for the many centuries before the great "Discovery".

Since the arrival of the Missionaries, Hawaiian's lifestyles changed. Fabric was used for clothing – Tapa kikepas or pa'ū we're no longer allowed. The malo was no longer enough wear for the men. Clothing became "The Missionary" style. No longer were there any bare breasted women, or malo clad men. It became a no no – Our Kupuna had to dress fully clothed. They no longer were as strong and healthy in the long run. Their bodies were becoming used to being kept warm, and they had to cover up to the elements where before, their bodies were strong and could withstand the elements.

They lost their language very shortly after this. The language was put into alphabet and soon, English was being taught to the Hawaiian children – causing a conflict with parents and Kupuna with children.

The hula was not acceptable. It was suggestive, and unbecoming to behold and a kapu was placed on hula.

These practices began before the overthrow of the Government of the Kingdom of Hawai'i, but laid the foundation of all the pilikia that led to the overthrow. Our kupuna were considered to be heathens because their culture allowed them



to be who they were, with their own beliefs and culture. This was not "pono" to the eyes and minds of the Missionaries who had come to teach, preach and save them from their unchristian ways.

## LAND and GOVERNANCE!!!!

Always the SEEDS for GREED and WAR!!!

Hawaii's history record the Great Mahele as being the time when King Kamehameha the Third allowed his people to receive land of their own. They could claim all the land they could walk and mark properly and identify within one day and have recorded with the proper office then. This was done because the "newcomers" were beginning to pressure the Government for land and changing our Alii's system of land ownership.

Many families were able to do this. Many were not. Once completed and recorded, a Royal Grant was recorded and lands thus received hold their rightful status til this day - however, if land taxes are not paid, they too are defaulted.

Many of these lands have been lost due to adverse possession too, when no one lived there.

The major reason for that was the exodus of Hawaiian families to the cities for cash paying jobs to pay for those taxes. Life there was not their style. Very soon they were a people destitute and lost. They became the dwellers in the slums of Honolulu and lost their Hawaiian lifestyle trying to become the people the American Missionaries had taught them to be - to become civilized, properly dressed, schooled in American type schools, be like them and lose their "heathen" ways. Our

O'hana lost their culture, their language, their land, and their inherent rights to use certain lands in certain places for worship, for gathering, for fishing, for hunting. Non payment of land taxes lost them their lands and laws created lost them access and or entire freedom to their aina. How sad to realize that the history of God's children in the Bible also became the real history of the downfall of the Kingdom of Hawai'i.

The ills and horrendous negativity recorded pertaining to Hawaiians – a Nation of people with 50% or more of the blood quantum and less with the slightest percent of Hawaiian are loudly touted as being the poorest, the highest percent in prison, the lowest percent in the higher education and or earning capacity level, the highest percent in the homeless group, the landless, the teen pregnancies the highest percent with diseases of heart, stroke, diabetes, cancer, and people wonder why and how come?

Had the well meaning people, the early Missionaries, left the Hawaiians their freedom to live their lives in their ancestral ways, the Hawaiians would still be the most industrious, intelligent, caring, giving people in the world. Civilization in the way of the "discoverers" killed a Nation of people in the loss of their cultural strengths which gave them their guidelines to health, happiness and a very concise way of living. Their laws kept them in line. They were the very best conservationists, most industrious in cultivating their lands. They utilized the natural resources to survive. They had no need for anything for centuries. They had the best teacher - the Creator himself.

Now, we are a people dependent on the Government of the United States for our unfulfilled very unhappy lifestyle. We look for funds to assist our people in health, housing, education, economic development, agricultural, fishing, land, transportation needs in great numbers of millions of dollars. We are a burden to ourselves not of our own making. We are a responsibility of the Congress of the United States for the great injustice of the historic wrong doings of greedy, unscrupulous Missionary family members who in their desire to teach God's love to our Kupuna, became overcome with the evil desire to take away the greatness of a people unable to defend their lifestyle because those people came in the name of their God and Bible history was and is the history of Hawaii's Great Ills.

To undo this process is not going to happen in two days of hearings with only two hours of oral testimony. It cannot be done. We have so much to say to come to a wise decision. Without this time and the freedom to speak honestly with the representatives of the Department of Justice and the Department of the Interior, in a more open time allowed for a better environment of presentation, the following are my answers to the following questions.

They are honest, hard wise decisions reached by deep deliberation after many meetings with people contending different avenues of how to best determine a situation's outcome. These decisions are strong, meaningful and answer the questions that create these problems. They are a general consensus of many people and groups, but not all. It is a tremendous arduous task to generate a united response for our people have all suffered in different ways and to different extents.

To the following issues and questions :

Note: How much? Is being asked in terms of area and money.

1. Lands – How much and how determined?

Which lands - All the “Ceded Lands” the “Crown~~ed~~ Lands” and the Government Lands so defined when designated before the overthrow of the Kingdom of Hawai’i in 1893. All lands granted as Mahele and Kuleana lands in 1847 occupied and possessed by adverse possession and or non payment of taxes with or without the knowledge of legal owners.

2. Water – Where and how determined and how much?

All the sources of water existing since before the overthrow and all improvements and new water resources <sup>created</sup> ~~created~~ since for the sources of the water all come from the land ...ie... water ditches, wells, and so forth.

3. Hawaiian Nation/Government?

Hawaiian Nation with the Government of the Kingdom of Hawaii which was in force before the overthrow of Queen Lili’uokalani. Research and facts find the Hawaiian Kingdom laws are still valid and in force today.

4. Level of Sovereignty/Sovereignty?

State Land Special  
Nation Within a Nation  
Independent

To be decided later

**Regulatory Powers Over  
State, Federal, Private Lands?  
Over What? For how Long?**

To be discussed and decided later.

**5. Cash Reparations (Payments?)**

**a. Lands? How much? How determined?**

All lands as listed in number one above.

**b. Water? How to determine Value?**

All listed in number two above.

**c. Past Occupation? How to determine Value?**

See Below

**d. Federal Entitlements-  
Education, Health and Housing Funding?**

See Below

**e. Blood Quantum? Yes? No?**

How to be determined? Yes- with at least one percent of the blood of our ancestors.

No- if legally adopted or a hanai child as was the custom of Hawaii of old.

f. Entity to Control Land? Cash?

Non-Profit? Corporate? Hawaiian Nation? Other?  
To be decided later.

g. Other demands to write into a Federal Bill

Language must and shall depict the loss of the values of a Nation of people, honorable, kind, gentle, generous, loving, caring and giving. Sadly, the colonization spirit of the Americans created the loss of a proud intelligent, industrious, compassionate Nation of People into a poor, highly criticized, non industrious, lazy, unintelligent, uneducated, aggressive non law abiding, contentious people. How strange a great change and how great our sorrow – TRAGIC!

Hawai'i is a special, very unique Land. Hawaiians are a special, very unique choice people. They were chosen to be the people to come to this distant, isolated land on purpose.

The lands, the water and all the natural resources are God's gift - a great reward for an obedient people who lived in an island paradise in deep isolation from the world. They were brought here by divine direction and taught the worth and use of all that nature had created and ready for their use. They learned to truly live independently within the confines of their island boundaries. They worked together, lived together, helped each other and cared for each other. Their teacher had the greatest credentials. He was the "TEACHER."

History records others came later with diverse philosophies and lifestyles and the serenity of the Government changed. - impacted the land, its people and its lifestyle.

When America's people came later on, the greatest changes developed. Thus our history of disillusioned, defeated, people with losses of self esteem, self sufficiency, self determination, cultural strengths, land and lifestyles was so overwhelming and today finds our people still struggling to find ourselves.

This issue of Reconciliation and Reparation is an awesome task. Out of the free choices God gave each person, many different opinions and decisions shall be presented, and so it shall be.

The greatest loss we Hawaiians have lost is the loss of our "Identity." We are listed as Pacific Islanders / Asians on the Census Rolls of America. We are not listed as Hawaiians. Our Culture, our entire essence of being Hawaiian is lost.

For this great loss we claim all of the above listed assets, as they are of Hawaii - naturally and definitely embraced by these islands here in the middle of the great Pacific Ocean.

Further, for all the human suffering, losses of land, water rights, gathering, fishing, hunting, access to native sites for worship or other cultural practices, and for the loss of our language usage and cultural practices we come to you with an answer that may solve our problems and help you repair and make proper reimbursements.

1. All the lands, water sources, cultural sites;
2. The occupancy and loss of Hawaii's Kingdom and Government recognized as Sovereign through out the world;
3. The loss of the Nation of Hawaii's peoples' dignity, self worth and identity.
4. The great damage to our generation of youth who suffer the stigma placed on their ancestors' losses and who struggle now to regain their mana as Hawaiians today.
5. The great dilemma of having lost the "heart beat" and the "soul" of a once great Nation of industrious, intelligent, kind, generous, loving people.
6. The needed handouts we have been forced to request from the Congress of the United States for funds to educate, heal and build homes for our people had to be done and prayed for fervently, because the United States declared no responsibility as "Trustee" over our Nation, giving us no political identity even as beneficiaries of the Hawaiian Home Commission Act, created by the U.S. Congress in 1920, after many hard years of lobbying and pushing for its passage by our last Royal Ali'i, Prince Jonah Kuhio Kalaniana'ole.

Just recently, Congress has recognized us, the Native Hawaiians, as a truly "Indigenous" people of the Hawaiian Islands and now come to seek ways to repair their long standing disclaimer.



We have at long last gained that recognition. We now thank them for this opportunity to voice and write our deep feelings and concerns and say what we truly feel shall repair the Broken Trust.

### Cash Reparation

In answer to all listed above and for all issues listed below it, we say all of those issues listed ( as natural resources ) Plus a Cash Reparation as recorded below.

A Cash Reparation shall be paid to the Government of the People of Hawaii as a Nation;

The payment shall be made annually for a total of one hundred and six years following the negotiations and approval in the amount of Five Billion dollars a year for one hundred and six years into the year 2107 AD, for a total of \$530,000,000,000.00

This Cash Reparation shall be used to build the Nation of Hawaii back to its status of proper identity as the Nation of Hawaii, and further,

The United States of America shall be the Military Protector of Hawaii for the same length of time for the strategic positions of Hawaii on the world's Technological/Nuclear, unsafe Military conditions. It shall be a top priority that America be Hawaii's Military Quadra. Guardian.

With this financial settlement, and full Military protection, our Hawaiian demoralized nation shall be rejuvenated, revitalized, reenergized and the light of pono shall shine brightly to honor the declaration of our beloved Queen Lili'uokalani that "her God would in time correct the great wrong done to her government and the people of Hawaii."

The rebuilding of Hawaii's Kingdom shall entail the trust of the best minds focused on the correct form of Government for the Nation. Many precepts of autonomy shall fill the discussions, and we as a people shall need added time to decide on the Level of Sovereignty to be formed. This shall be a point that shall need to be considered fully.

Deliberations shall be solemn and pono. We need precious time to call for the United efforts of people to come and sit in conference for this shall be our most important responsibility...To reunite our Nation under God. Ke Akua shall help us.

The issues of concerns shall be greatly presented with pertinent history and recommendations. All who shall testify shall do so with great concerns and anxiety for the lack of time to properly address their wants and needs in your hearings.

I would request now that the Hawaiian Nation be given at least six months to a year to decide on the level of Sovereignty to declare in this decision. All the people must have a say and this can only be done by a nationwide survey in every form of media available to reach us in

an intensive coverage, to be properly informed and come together as a Nation.

This is most important. You must allow us the necessary time to get to all of our people to clearly state our need to decide for ourselves how our lives shall be impacted by the choice of Governance we choose.

Granted, this, we shall begin our work on Monday, January 3, 2000.

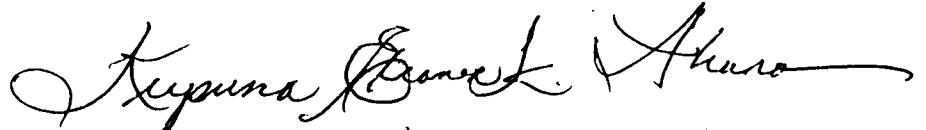
This, in essence is my testimony. It is written with great respect for the opportunity given us and for the reasons recorded herein, and to my colleagues in planning who strongly feel otherwise. As a Kupuna Wahine, I share the strong realities of the real world.

So much are owed to us. We have a long history of being badly compensated by the Government, be it the County, the State and the Federal Government. No trust has been truly executed between us as Native People and the Governing bodies. We must act with great faith now that the world is looking at a very, very Peaceful, Rightful, long lasting unrighteous wrong, the Overthrow of a Sovereign Nation's Government being restored, and the return of the Government of the Kingdom of Hawai'i be reactivated legally and lawfully at this time in our lives.

With all the unfortunate, very sad, sorrowful terrible warfare that other countries go through to regain or gain their peace, We Hawaiians must and shall praise God, Our Almighty Heavenly Father for this peaceful exercise of Reconciliation and Reparation process that we are now engaged in and work at it with great faith.

**Mahalo Ke Akua a Pomaika'i – ia kakou a pau.**

**Me ke aloha pau'ole,**

A handwritten signature in cursive script, reading "Kupuna Eleanor K. Ahuna". The signature is fluid and elegant, with a long horizontal flourish extending to the right.

**Kupuna Eleanor K. Ahuna  
Hui Ho'omau O Keaukaha Panaewa  
President**

DANIEL K. AKAKA

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# United States Senate

WASHINGTON, DC 20510-1103

MEMBER OF  
COMMITTEE ON ENERGY AND  
NATURAL RESOURCES  
COMMITTEE ON GOVERNMENTAL AFFAIRS  
COMMITTEE ON INDIAN AFFAIRS  
COMMITTEE ON VETERANS' AFFAIRS

November 8, 1999

*Na Hoaloha, Welina me ke Aloha Pumehana:*

I welcome this opportunity to discuss the reconciliation process with you. Over the past several months, I received a number of inquiries regarding the meaning of reconciliation. What did I mean by "efforts of reconciliation" when I authored the Apology Resolution? My concise response is that reconciliation is a means for healing. Reconciliation is an ongoing process between the federal government and the Native Hawaiian people to resolve a wide array of issues.

P.L. 103-150, the Apology Resolution, was the first step in this process. The United States apologized to the Native Hawaiians for the overthrow of the Kingdom of Hawaii in 1893 and expressed its commitment to acknowledge the ramifications of the overthrow in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people. This year in response to my request, Attorney General Reno and Secretary Bruce Babbitt designated officials to represent the Department of Justice and the Department of the Interior in efforts of reconciliation between the federal government and Native Hawaiians. Actual implementation of "efforts of reconciliation" is the next step in this important process of healing.

Mr. John Berry, Assistant Secretary, Policy, Management, and Budget, for the Department of the Interior, and Mr. Mark Van Norman, Director, Office of Tribal Justice, Department of Justice, will come to Hawaii to begin public consultations with Native Hawaiians as part of the reconciliation process. This is a significant step forward for both the federal government and Native Hawaiians.

I have three objectives that I would like to share with you regarding the reconciliation process. The first is to establish permanency to this continuing dialogue. I am working to establish an office within the Department of the Interior to focus on Native Hawaiian issues. The establishment of an office will bring continuity to the federal government's working relationship with Native Hawaiians. My second objective is to help Native Hawaiians and the federal government establish a framework for addressing longstanding issues such as self-determination and ceded lands. My third objective is to take maximum advantage of the time left under the Clinton Administration to focus on actions that will better the social and economic conditions of Native Hawaiians.

Reconciliation efforts were never intended to be unilaterally determined by the federal government. Rather, reconciliation is an evolving, continuing process based on dialogue between the federal government, Native Hawaiians, and Hawaii's Congressional delegation. I cannot emphasize enough the point that reconciliation is a continuing and evolving process, the outcome of which will be determined by Native Hawaiians.

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SEN DANIEL K. AKAKA

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This is why I have repeatedly stated that reconciliation should not be viewed as one particular issue or a narrowly defined process. Reconciliation is a continuing process that involves the resolution of a multitude of issues. While the reconciliation process may eventually address such issues as reparations, economic empowerment, and self determination, the process should not be limited to specific outcomes or issues. Again, the outcome of the process will be determined by the Native Hawaiian community working together with the federal government.

The magnitude of this process makes it imperative for Native Hawaiians to *imua*, to move forward, and to contribute individually and collectively to meet the challenge of working together to provide a better future for Native Hawaiians. Throughout this process, diversity of views and lively debate are healthy. We must debate, and on occasion, disagree free of rancor. We must listen to and respect one another as we come together as a people to determine our relationship with the federal government. Reconciliation entails a commitment and a shared responsibility on the part of Native Hawaiians and the federal government to improve understanding and provide a better future for Native Hawaiians. We have the wisdom to rise above our differences and to reach a common understanding of what is best for our people.

Mr. Berry and Mr. Van Norman are coming to Hawaii to listen and to learn. The outcome of these public consultations depends largely on what the Native Hawaiian community shares with them. I could not ask for two individuals more willing to listen to the Native Hawaiian community. I am confident that the outcome of these first efforts of reconciliation will be another positive step forward in providing a better future for Native Hawaiians. *Kulia i ka nu'u*. Let us "reach for the best" together.

Aloha pumehana,



DANIEL K. AKAKA  
U.S. Senator

**UNITED STATES  
OF AMERICA**

**Major  
Sovereign  
Nations**

**NATION OF HAWAII**

**State of Hawaii**

**I  
Executive Branch**

**II  
Unicameral  
Legislature  
51 Members**

**III  
Judicial Branch**

**Population: 1.2 Million**

**LAND BASE  
3 million acres**  
Estimated

**Session: January – April  
Fiscal Year Begins July**

**SHARED  
POWER  
AT THE  
CORE**

**I  
Executive Branch**

**II  
Unicameral  
Legislature  
25 Members**

**III  
Kupuna Advisory  
Council Elected**

**IV  
Judicial Branch**

**Potential Population: 290,000**

**LAND BASE  
1.4 million acres**  
Estimated

**Session: June – September  
Fiscal Year Begins January**

# **What do we need to do today to prepare for tomorrow?**

## **I. DISSOLVE OHA**

- State Legislature

## **II. REPEAL THE 1920 ORGANIC ACT**

- U.S. Congress

## **III. CREATE UNICAMERAL LEGISLATURE**

- State Legislature
- Nation of Hawai'i



cd  
KSK

Testimony for  
"Reconcilliation Hearings"  
U.S. Justice and Interior Departments  
December 10,11 1999  
Keoni Auditorium, East-West Center  
Hawai'i

Assistant Interior Secretary, John Berry  
and Tribal Justice Director, Mark Van Norman

Uē ka lani, ola ka honua. When the heavens weep the earth lives. Thus said our elders when it rained as it rains ,now, during these hearings. It is as if our kūpuna long gone weep with us as we reflect upon the injustice wrought over a century ago upon us Hawaiians but also cry with tears of joy as we come closer to reconcilliation.

Aloha. Welcome. It is with this single Hawaiian concept and word that I predicate the testimony of our organization. Aloha.

If not for the aloha of committed families and educators, the Hawaiian language would not have survived the decimation of our native tongue purposed by legislation in 1896 banning the use of our language over a hundred years ago. Imagine us Americans having been raised and nurtured in English going to school one day to be told that English is banned and cannot be used. Furthermore, if anyone heard us speaking English we would be punished and humiliated. Picture children being encouraged to report and spy upon one another if English was being used in the playground and to report these incidences to the teachers. Fortunately, this basic right is protected in the United States. It was not so in those dark years.

How did our fledgling nation with a reported literacy rates surpassing even those states in the United States at that time drop to become a "nation" with one of the lowest literacy rates? We maintain that it was the direct and purposeful will of those who deposed Lili'uokalani and our legitimate government to Americanize us Hawaiians with a very powerful colonizing technique. Such a technique was used by Nebuchanezzar when he subjugated the Israelites -ban the native language and impose sanctions and punishment for using it.

Can we even perceive the brutality of linguistic genocide? When we consider the demarcation of class and race in Hawai'i for Hawaiians based on race and language through the establishment of English Standard Schools, we understand the educational predicament we Hawaiians still face today. Moreover, political power was secured in the new regime with a law stating that in order to vote, one needed to read and write English. How successful would we Americans be if all of a sudden in order to vote we needed to read and write Chinese? Not very successful at all. Repeat and sustain those experiences over a century and one must applaud and give thanks to the tenacity of the few who refused to give up the Hawaiian language for dead. Death for our Hawaiian language was the goal of these individuals.

For over two decades, the 'Ahahui 'Ōlelo Hawai'i has been involved in Hawaiian language revitalization efforts. It has been exciting seeing the number of Hawaiian language speakers growing while at the same time sad to see many of our last remaining native speakers leave us. There are perhaps less than a hundred native speakers alive today who were born before the Queen's death and who were educated just at the beginnings of this language suppression effort.

The 'Ahahui 'Ōlelo Hawai'i, however, despite all its efforts and committed volunteers as well as other Hawaiian Language Revitalization Vanguards such as the universities or 'Aha Pūnana Leo, cannot fully make our language viable again until one thing occurs. Our land must be returned.

Our language is tied to our land, our 'āina. When we are born we are covered with the placenta of our mothers, our honua, our earth. When we dance the hula, the songs tell of the beauty of the sky, land, and sea. When we think scientifically, we must use the terms of our ancestors to name the stars, the varieties of taro, and the species of fish. When we die, we must return to the earth, the honua.

The 'Ahahui just held its fourth conference for native speakers at a Kona hotel. How much more lively and meaningful it would have been if it could have been held at a Hawaiian center for Culture, Language and History on Hawaiian owned land. In a way, our own association is a microcosm of what we Hawaiians face. We are constantly asking for money and borrowing and renting this space and that to meet. This should not be so. With our land returned, each island and community could have a center where the arts flourish, the language is spoken, and the spiritual and emotional welfare of elders, parents, and youth thrive in an environment of *Mauli Hawai'i*.

I was asked once, "Aren't you glad that you are a United States citizen?" I paused to reflect on the many benefits that I enjoy as a citizen. However, I'm also very positive that had our own government and society been left intact that we would be more prosperous because our spirit as a people and nation would be stronger and the word *aloha* would be more intensely felt because our language would be dynamically used in everyday life by people of all walks of life, creed, and color.

Aloha kākou.



Keith Kalani Akana, President

'Ahahui 'Ōlelo Hawai'i

*The Association of Hawaiian Language Speakers, Students and Teachers*

928 Nu'uanu Avenue Suite 503

Honolulu, Hawai'i 96817

OHA -  
Section ~ Phase I

12-11-99  
Received  
EW Center

**Reconciliation Roundtable**  
**Session 1: The Critical Issues**  
Saturday, December 11, 1999  
East West Center, University of Hawaii, Manoa

Aloha. I am Rowena Akana, Chair of the Board of Trustees of the Office of Hawaiian Affairs (OHA).

Mr. Berry and Mr. Van Norman, I am compelled to observe that had the United States in 1898 approached the question of annexation as you have approached the question of reconciliation, it is likely that a far different modern history of the Hawaiian people would have been written. But they did not do then what you do now and that is why we are here today.

The purpose of this first session is to identify the critical issues that must be addressed if a true reconciliation between the United States and the Hawaiian people is to take place. There will be many such critical issues raised this morning that I believe we will all share. For my part, I offer three issues founded on commitment.

First, there must be a commitment to *meaningful* self-determination. Second, there must be a commitment to acknowledge and implement the Federal trust responsibilities to the Hawaiian people. Third, there must be a commitment to recognizing and building upon the unique historical, economic, social and cultural heritage of the Hawaiian people.

If the reconciliation process is to succeed, it must be based on these three related commitments. Upon this foundation, a lasting relationship between the Hawaiian people and the United States can be built; a relationship through which we can begin to address the other important issues of education, housing, economic development, education and social justice which will be identified today.

OHA-  
in II

**Reconciliation Roundtable**  
**Session 2: The Federal/Hawaiian Relationship**  
Saturday, December 11, 1999  
East West Center, University of Hawaii, Manoa

For the record, Rowena Akana, Chair of the OHA Board of Trustees.

Earlier today, we shared our manao on the critical issues that must be addressed as part of the reconciliation process. It is all too common for some to over-emphasize the differences in voices. I am heartened to hear today an often over-looked consensus in goals.

In this session, we now confront that question of what should be the relationship between the Federal Government and the Hawaiian people. Ultimately, that decision must be reserved to the Hawaiian people. That is part of the commitment to meaningful self-determination that I identified this morning.

In looking to the future Federal/Hawaiian relationship, I believe we must start from an appreciation of what that relationship is today. At its core, I believe the United States is and has always been a trustee over -- not a beneficiary of -- the sovereignty and lands of the Hawaiian people. The United States has just very recently re-acknowledged this role and responsibility.

From that role as trustee comes three fundamental fiduciary duties that should guide its response to our collective vision of our future.

- First, the United States has a duty to preserve and nurture our sovereignty and lands.
- Second, the United States has a duty to account for our sovereignty and lands.
- Third, the United States has a duty to work towards the day, a day that hopefully will soon be upon us, to return our sovereignty and lands.

For the United States, the answer is to discharge its duty to nurture, account for and ultimately restore Hawaiian sovereignty and lands.

Each of us as individual Hawaiians have a view as to what the proper relationship between the United States and the Hawaiian community should be. But none of the institutions or organizations we represent have a right to determine that question for all Hawaiians. At most, our institutions and organizations can . . . and should . . . work together and with representatives of the United States to create, maintain and participate in a process that leads to a free and *informed* collective decision by all Hawaiians on the relationship *they* want with the United States.

Henry D. K. Alau  
47-446 Ahuimanu Rd.  
Kaneohe, Hi 96744

Subject: Written Testimony on Reconciliation with the Hawaiian People

Thank you for the opportunity to provide written input on a very important issue pertaining to the descendants of the indigenous people of Hawai'i, also known as the Hawaiian people or the Kanaka Maoli. I talk of the Hawaiian people and not the people of Hawai'i, because the Hawaiian people are the indigenous people and the people of Hawai'i includes all of the people who have arrived since the arrival of Captain Cook and the Endeavour.

The history of the Kanaka Maoli, since the arrival of Captain Cook, is a tragedy that rivals that of the Cherokee Nation and their Trail of Tears. In our case, however, there was no trail, our tears "merely" soaked into our ancestral lands, which we could not own. They watered the bones of our ancestors, which were disinterred and moved to museums and far away lands to be "studied". Even in death we had no home. Meanwhile those who came after Cook enjoyed our hospitality (our aloha), perverted our culture and history to their advantage, and instituted new rules which denied us the very fundamentals required by our nation or any other nation - land and natural resources. There was a concerted and successful effort to disenfranchise our people through ridicule, deception and legal chicanery. The end result is what you see now, a people with no land, no resources, and seemingly without hope. We stand as a "proud legacy and testament" to America, the protector of the oppressed and of freedom - the America that has opened its doors to the poor and down trodden as long as they were from a foreign land and slammed these same doors shut on its indigenous people.

The Hawaiian nation was built upon a close union of the people with the land and all that grew upon it. Ours was a culture built upon stone and plants. We were a partner with nature - not its ruler. The land belonged to our gods, the ali'i administered it for our gods, we used it for as long as we lived and in death we became part of it.

Because of this special Kanaka Maoli to Nature relationship, the land and all of its resources became, and remain, the very foundation of our society and culture. They provided our houses, food, and medicines. They shaped our culture, beliefs, traditions and even our educational methods. Our language and music speak of this marriage to the land and its effects upon us, as a people. Our music speaks of verdant lands, beautiful waterfalls, life and death, love and hate, and epic poems of adventure. The native forests provided the koa trees to build our canoes, the mamani trees to build our homes, the pili grass to thatch our homes, the kauila trees to make our spears, food for our tables, plants for our medicines and a myriad of other plants to meet our health and welfare needs. The forests also provided the rain which refreshed the forest, watered our crops and flowed to the ocean fostering the growth of the corals, fish and algae which were eaten by both the creatures of the ocean and the Kanaka Maoli. Since the arrival of Captain Cook, the native forests have been denuded at an ever-accelerating rate. Water is hoarded and is a commodity used to rule rather than to refresh the thirsty earth. Water no longer flows to the oceans in the required quantities for the algae and the creatures of the sea.

Because of our reliance on the fruits of the land and the ocean and the absence of a written language, our educational system was based upon observation and performance - touch and feel - not theory. Our teaching methodology relied upon chants and the memorizing these chants. Within these chants were the formulae for selecting the various woods to build our canoes and navigating across the ocean. Within these chants were the formulae for living well versus the Caucasian concept of living wealthy. This concept of chants being the repository of knowledge instilled a special spiritual relationship of the Kanaka Maoli with their land and its resources, their gods, their traditions, their culture and their education.

Today, the Kanaka Maoli, like their native forests, face great adversity because of the effects of foreign ideas and foreign desires. Just as alien species have been trying to strangle our forests, people from foreign lands have been trying to strangle our people by forcing them into an alien life style. This has been going on since the arrival of Captain Cook. However, we are a tenacious people and we are still here to remind this country of the betrayal of our generosity and good faith.

You speak of reconciliation. We speak of remedies and restitution. Reconciliation implies that two or more parties caused injury to each other and now the conflict needs to be reconciled. In the case of the Kanaka Maoli, we caused no injury - we are the injured party. It was our kingdom that was overthrown by self-serving Caucasian business men and sanctioned/approved by the United States government. Therefore we need to talk about remedies and restitution - not reconciliation.

I am not so naive as to think we can go back to the monarchy (which I would not choose) nor do I purport to know all the answers. However, I do have some suggestions.

a. At the national level, we should change the name and function of the Bureau of Indian Affairs to the Bureau of Indigenous people. When the Bureau of Indian Affairs was created, "Indians" were the only indigenous people in the United States. Even the term Indian is a misnomer, because these "Indians" consider themselves as Cherokee, Apache, Ogallala Sioux and a myriad of other indigenous people. The Aleuts, Eskimos, Klinkit Haida and Tsimshians in Alaska do not consider themselves Indians, but they do consider themselves the indigenous people of Alaska. Given this background it is time to get rid of this outmoded divisive bureau and make it what it should be--a bureau for the indigenous people within the confines of the United States.

b. We need to restore the ceded lands ( these lands were never ceded - they were stolen) and the those lands held in trust by the Hawaiian Homes Commission Act to the Kanaka Maoli to serve as a base in their journey towards reestablishing their sovereignty.

c. We need the United States government to assist us in the sovereignty movement not as ruler and servant, but as equal partners with the mutual respect that partners have for each other. We do not want your money, although it would be nice. We want your support in re-establishing our sovereignty.

d. We need to establish a school system which will allow for experiential learning, instead of the current system which advocates theoretical learning with little or no

opportunity for empirical learning. There seems to be an attitude in academic circles that every person must go to college in order to be considered successful. Any person who works with his hands is something less than successful. This is a myth that has been foisted upon us by academicians. The carpenter, plumber, mason, mechanic, and other craftsmen all work with their hands and, if you have ever paid their fees, they cannot be considered unsuccessful.

e. We need to ensure that our native forest and native species of plants are allowed to flourish and alien species are prevented from destroying these flora. This includes allowing access to these plants by the Kanaka Maoli as part of their native gathering rights.

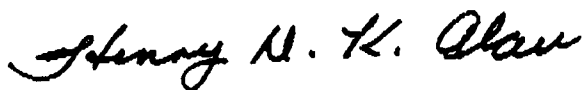
f. We need to ensure that our native farmers are not destroyed by the greed of "gentlemen farmers" and agribusiness by the greedy use of water. Our farmers need to have the same access to water for their taro, sweet potato, and other farm products. Water is not a commodity to be enjoyed solely by the privileged and miserly doled out to the disenfranchised Kanaka Maoli.

g. We need to ensure that sufficient fresh water flows into the ocean carrying the nutrients from the land, not the pollutants from man, for the algae and the creatures of the ocean.

Items e., f., and g are not uniquely Kanaka Maoli issues. These are good environmental issues and constitute good stewardship of our resources.

As a final thought, I would think that a nation, which can spend billions and fight so tenaciously to preserve the human rights of foreign people, could expend at least a fraction of the same level of effort for the indigenous people from whom they stole a kingdom. I thank you for the opportunity to provide you my thoughts and recommendations on what I hope will be the first of many dialogues as we seek remedies for the Kanaka Maoli.

Very Respectfully,



Henry D. K. Alau



# CENTER FOR NON-VIOLENT EDUCATION AND ACTION, INC.

John Berry  
Assistant Secretary for policy,  
management and budget  
c/o Document Management Unit  
Department of the Interior  
1849 C Street N.W. MS7024  
Washington, D.C. 20240

KSK

January 11, 2000

Dear Mr. Berry:

In my dictionary the word "reconciliation" is sandwiched between the words recompense (amends for damages or loss) and reconnaissance (determine the disposition of military forces). I believe the meaning of all three words have a lot to say to the situation at hand. In order for the U.S. to participate in a reconciliation process over the injustice done to the people of the nation of Hawaii, the U.S. must begin to make amends by disposing of U.S. troops now occupying Hawaiian soil. Indeed, it was the landing of U.S. Marines from the USS Boston to assist greedy business interest in the overthrow of Hawaii in 1893 that helped create the need for reconciliation that we face today.

The truth is you can't have your cake and eat it too. That is to say, you can't keep U.S. military forces here occupying Hawaiian lands and expect a reconciliation process to go forward. The troops and the more than 100 U.S. military installations in Hawaii have got to go. Aloha 'oe! Good bye! Farwell! Thanks for the memories!

A thief can't expect reconciliation with his victim by keeping the stolen goods and with a gun kept cocked to the head of the victim. The goods must be returned, payment must be made for keeping the stolen goods for 100 plus years and the thief must turn in his gun and get out of the victims house. Only then might there be consideration of re-establishing a friendship. There can never be a true friendship while Uncle Sam continues to stand with his boot on the throat of the Hawaiian people.

If I can be of further help in clarifying any of the above points, do not hesitate to call on me for assistance. Let me conclude by saying that I attended the Hilo hearing and was appalled at the insulting way you ended that hearing. Instead of moving the reconciliation process forward, you set it backwards. Arrogant Americans need to learn how to eat humble pie.

Sincerely,



James V. Albertini  
President

MALU AINA FARM P.O. BOX AB KURTISTOWN HI. 96760 (808) 966-7622

November 22, 1999

Assistant Secretary John Berry  
c/o Document Management Unit  
The Department of the Interior  
1849 C Street, NW Mailstop-7229  
Washington, DC 20240j  
Fax: (202) 219-1790

Re: Meetings With Native Hawaiians and Federal Officials On Reconciliation  
Process To Take Place in December

Aloha mai, Mr. Berry:

My name is William Ko'omealani Amona and I am a kanaka maoli (a real person) (native Hawaiian) and a beneficiary of Public Law 103-150, November 23, 1993.

I hereby submit (a) my answers to your questions about myself, the organization I represent, the name and mission of the organization, its membership and address and the "topics I would like to address" (on December 10 and 11, 1999); (b) my testimony and comments on the four (4) pre-selected "issue areas" you have described in your above questionnaire for the panel discussion on Friday, December 10, 1999; and (c) my testimony and comments on the pre-selected "issue areas" of the "Reconciliation Process" and "Political Relationship" scheduled for Saturday, December 11, 1999.

(a) My answers to your questionnaire:

1. My name is **William Ko'omealani Amona**.  
My address is **2309 Mamane Place; Honolulu, Hawai'i 96822**  
Daytime phone number is **(808) 946-9401**  
Fax number is **(808) 942-4864**  
E-mail address (none)
2. I will be representing a "**Native Hawaiian organization**".
  - a. The name of my organization is **'Ohana Holo'oko'a**.
  - b. Our mission is to **redirect the American paradigm of control and greed in regards to kanaka maoli sovereignty and the restoration of all of our land, natural resources, our culture, and our identity as the indigenous people of Ka pae'aina o Hawai'i, as God ordained.**
  - c. Our organization is large enough and with God's leadership, it is large enough to achieve **pono** (goodness, righteous, perfect order, moral acceptance) and with your cooperation, we will achieve our goals.
  - d. Our organization's address is the same as my address above.

Page 2  
Assistant Secretary Berry  
November 22, 1999

3. I will be giving testimony of three (3) minutes, as set by you, on all the "issue areas" which you pre-selected for Friday, December 10, 1999, and the two (2) "issue areas" which you also pre-selected for Saturday, December 11, 1999.

**(b) My testimony on the four (4) "issue areas" for December 10, 1999, is as follows:**

Your unilateral selection of the four (4) "issue areas" which native Hawaiians are concerned with, to-wit: (1) N.H. Health and Education; (2) N.H. Housing; (3) N.H. Culture and Economic Development; and (4) (Native Hawaiian) Land and Natural Resources; is a good start because in the first three "issue areas", hereinafter "ia", it is a fact that we are at the bottom of the heap in the ia's of **health and education; housing; culture and economic development**, and the statistics will prove it, time permitting.

As to the ia of **land and natural resources**, we are homeless in our own country and the State of Hawai'i is doing everything in its power to separate us from all of our natural resources by making laws favorable to non-kanaka maoli people who have the money to make the land produce more money for the state and for themselves. Thank you for beginning the process of reconciliation with the ias of land and God's resources of nature which were originally ordained for us kanaka maoli or native Hawaiians, only to be stolen by you, as the representative of the United States, and your creation, the State of Hawai'i.

Now that the process has begun, please allow me to suggest that the "process" be one of mutual agreement and mutual respect out of deference to God, the giver of all life, and that we agree to begin the "process" by agreeing to be guided by the noblest and most soul fulfilling "values" in each of our respective cultures, American and Hawaiian, and be guided accordingly to give meaning to Public Law 103-150. Since the "Hawaiian people invented Hawaiian culture" (Dr. Ramon Lopez-Reyes, see vol. 18 no. 1, **Hawaii Bar Journal** 1-23:1983; **The Demise of the Hawaiian Kingdom: A Psycho-cultural Analysis and Moral Legacy (Something Lost, Something Owed)**) it would be a most pleasing task for us kanaka maoli, who are not addicted to the American paradigm of power and more power at the expense of our souls, to compile a list of such Hawaiian cultural values, to be exchanged with a list of your American values from your American culture, and from there, make every effort to build a proper foundation for "reconciliation", the mandate of the American people through its political voice, the Congress of the United States.

Since three (3) minutes is an exact mandate, I will close by suggesting that you consider reading Dr. Lopez-Reyes' excellent analysis above and I hope that you will

Page 3  
Assistant Secretary Berry  
November 22, 1999

allow yourself to mentally and spiritually feel what we have felt for more than a 100 years.

**(c) My testimony on the two (2) "issue areas" for December 11, 1999, is as follows:**

It is in my mana'o (opinion) that the issue of a "Reconciliation Process" and the issue of a "Political Relationship" should be given our best mutual efforts and in order to exert and assert the best of ourselves, I honestly believe that success will only be achieved by the use of non-legal standards, non American judicial precedents, and non pre-determined formats or definition of terms which are not mutually agreeable to both you and Mr. Van Norman, as the representatives of the United States, and us kanaka maoli who are not puppets of the federal and or the state governments which occupy our homeland without our consent, without authority of international law, and in violation of your own contracts, agreements and treaties with the Hawaiian Kingdom, the United Nations Charter, and the rules of fair-play.

**I reject your "proclamation" that the issue of Reconciliation...and self-determination and ceded-lands should be addressed within the framework of federal law. (Page 2 of your "News" release, first full paragraph)**

You and Mr. Van Norman, as the voice of the American people and the scouts of the United States, have a unique opportunity to create a new universal image of the United States by allowing your souls to become one with your mind and your hearts and until you, as individual human beings, believe that only good can result from your willingness to truly learn as much as you can from our culture, a culture which existed maybe a thousand years before your forefathers decided to leave the British Empire and to come and to take over the lands and resources of the indigenous people already living there, there can never be a true, bona-fide "reconciliation".

I believe that your mandate of three (3) minutes is up.

'O wau iho no, W. Ko'omealani Amona, kanaka maoli; native Hawaiian; loio.



Lotus cc:Mail for Karen Sprecher Keating

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**cc:** cjkjam@msn.com  
**Priority:** Normal  
**Subject:** President Clinton's apology, Public Law 103-105, Nov. 23,...

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Date: 1/9/00 1:22:03 AM  
Priority: Normal  
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cc: cjkjam@msn.com at DOI  
Subject: President Clinton's apology, Public Law 103-105, Nov. 23,...

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Subject:  
President Clinton's apology, Public Law 103-105, Nov. 23, 93,  
and reconciliation

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23, 93, and  
reconciliation  
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To: President Willaim J. Clinton  
President of the United States of America  
From: Charles John Kau'i Jochanan Amsterdam  
Descendent of King Kalakaua and Queen  
Liliuokalani  
Regarding: President Clinton's apology, Public Law 103-105,  
Nov. 23, 93, and  
reconciliation

Inasmuch as President Clinton, President of the  
United States of  
America,  
presented an apology as presented also in a  
Joint Resolution  
"to Na-

United States,  
and the  
17, 1893 with  
the par-  
United States,  
and the de-  
to  
self-determination" and  
as an important  
part of  
reconciliation, I hereby  
request  
Order, reinstate,  
and recog-  
which she claim as  
the Consti-  
without delay.

tive Hawaiians on behalf of the people of the  
overthrow of the Kingdom of Hawaii on January  
ticipation of the agents and citizens of the  
privation of the rights of Native Hawaiians  
such associated issues and problems and that  
and consistent with that apology and  
that President Clinton exercise Executive  
nize Queen Liliuokalani in the authority  
tutional Sovereign of the Hawaiian Islands

Sincerely,

Charles John Kau  
Descendent of King  
Queen Liliuokalani

Jochanan Amsterdam  
Kalakaua and



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THE ZIONLAND



FOUNDATION

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No request  
KSK

To:

II/I2/99

Assistant Secretary John Berry  
Document Management Unit  
Department of Interior  
1849C St. NW Mailstop-7229  
Washington, DC 20240

From:

Kauai Jochanan Amsterdam  
Department of Culture,  
Division of Hawaiian Issues  
and Office of the Royal  
Hawaiian Elders of Israel,  
The Zionland Foundation  
1415 Pensacola St., #12  
Honolulu, Hawaii 96822  
Family Line of King Kalakaua  
& Queen Liliuokalani

Regarding: RECONCILIATION

There are problems for which reconciliation is at issue. Such problems basically were caused by haoles or foreign conspirators and their supporters or accomplices from the United States, who perpetrated a conspiracy, Break-In, or Catastrophe against the Hawaiian Kingdom or Nation, Hawaiian Monarchy with Queen Liliuokalani being the Monarchical Head of the Nation at the time, and the Hawaiian People and advanced a subsequent Cover-Up. Such a Cover-Up also has been advanced and includes annexation, statehood, and sell-out attempts of tribilization and the like.

Before there can be reconciliation, which is a restoring of friendship, harmony, or consistency, there must be a restoration. Such restoration is part of a process of restoration which is presently advancing throughout the earth. First, restoration requires a restitution or a bringing back of the Hawaiian Kingdom or Nation, the Hawaiian Monarchy, and the Hawaiian People, which refers to the native Hawaiian people. Such a restoration of the coming new Millenium is symbolic of the Kingdom of God and will be a forerunner of that kingdom ushered in by Jesus, the Messiah. Great responsibility is and should be placed on the victimizers or perpetrators and not the victims toward restoration and subsequent reconciliation. Such a restoration puts moral responsibility on the United States and its' representatives to do all they can to facilitate and support the Hawaiian People's self-determination and advancement of such a previously described restoration and the overall process of restoration. Secondly, the restoration also includes compensation and reparations ongoing. Thirdly, support and assistance whether through technical assistance, resources, and finances or financial aid as exemplified with the nation of Israel is an important part of the restoration. Fourthly, the restoration requires memorials and accountability with an apology being a necessary, but not sufficient part of accountability. Finally, the restoration requires research to resolve the Catastrophe's disastrous impact, prevent such future problems, and advance and accelerate development, normalization, and prosperity. Without this

# THE ZIONLAND



2

- restoration, there simply will be a perpetuation of the perpetrated Cover-Up of the conspiracy, Break-In, and Catastrophe. Such a Cover-Up prevents reconciliation.

Reconciliation requires consistency of the United States and its' representatives. Such consistency means applying or practicing those espoused principles and values including life, liberty, and the pursuit of happiness of the Declaration of Independence, Consitution, Bill of Rights, International Law/ Law of Nations, and regarding Human Rights regarding the Hawaiian People and the Restoration. Then, demonstrating the condition of consistency, the reconciliation features of friendship and harmony can be nurtured. The key and basis for reconciliation is restoration. Actions short of the restoration are inadequate, perpetuate the Cover-Up, and prevent reconciliation. On the other hand, genuine reconciliation follows the restoration.

Sincerely,

*Charles John Kai Jochanan Amsterdam*

CJ Kai Jochanan Amsterdam  
Chief Representative, TZF  
Department of Culture,  
Division of Hawaiian Issues,  
The Royal Hawaiian Elders of Israel  
The Zionland Foundation(TZF).  
Family Line of King Kalakaua and  
Queen Liliuokalani



THE ZIONLAND



Assistant Secretary

John Berry

Document Production Unit

1849 C Street, NW Mailstop 7024

Washington, DC 20240

1/8/2000

CJKJ Amsterdam

1415 Pensacola St., #12

Honolulu, Hawaii

96822

To: President William J. Clinton

President of the United States of America

From: Charles John Kai Jochanan Amsterdam

Descendent of King Kalakaua and Queen Liliuokalani

Regarding: President Clinton's apology, Public Law 103-105, November  
23, 1993 and reconciliation

Inasmuch as President Clinton, President of the United States of America, presented an apology as presented in also a Joint Resolution "to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination" and such associated issues and problems and that as an important part of and consistent with that apology and reconciliation, I hereby request that President Clinton exercise Executive Order, reinstate, and recognize Queen Liliuokalani in the authority which she claim as the Constitutional Sovereign of the Hawaiian Islands without delay.

Sincerely,

Charles John Kai Jochanan Amsterdam

Descendent of King Kalakaua and

Queen Liliuokalani

CONGRESSIONAL HAWAIIAN REPARATIONS HEARING  
U.S. Departments of the Interior and Justice  
Friday, December 10, 1999

NATIVE HAWAIIAN MENTAL HEALTH TESTIMONY

By Naleen N. Andrade, M.D.

Professor & Chair and Director, Department of Psychiatry  
Native Hawaiian Mental Health Research Development Program  
University of Hawaii, John A. Burns School of Medicine

I. The Utility of Mental or Behavioral Health for Native Hawaiian Reparations

Hawaiian justice means regaining our health, lands and culture, along with political and economic power in our homeland. Inseparable from the process of Hawaiian justice is how Hawaiians and their leaders will behave as they undertake this great task. Said another way, how a person, and the group they affiliate with, behaves determines how successful they will be in determining their destinies as an individual, a family member, or a member of society. Hence, mental health or behavioral health is fundamental to the pursuit of Hawaiian justice.

Among groups of people and the societies they live in, culture serves as the mechanism that creates group cohesion and shapes group behavior. Culture has been defined as the single, greatest agent of change over time among a people and their society. Culture serves as the vehicle for shaping beliefs and values, along with the behaviors which sustain these beliefs and values. Over time, these behaviors become idiomatic and determine patterns of relationships within a society. In essence, culture determines the levels of trust a people will have when dealing with other groups.

Precontact society in Hawaii, had a highly evolved set of beliefs, values and behaviors which maintained order and sustained a way of life that struck a balance between love, work and play; trust in one's family and one's leaders; human endeavors which altered the natural environment to the extent that man and nature nurtured one another in a reciprocal siblingship; and human relationships were predicated on a concept called aloha (unconditional love and sharing). The culture of this society was shattered with the arrival of foreigners.

Two hundred years later, the core struggle for Hawaiians is to re-assert, in our own land, "Who we are?" and "How we will behave?" For too long, American leaders have defined us for their own convenience. True reparations require that Hawaiians be given the financial, capital, and environmental means to again determine and control our destinies.

Hawaiians should be officially recognized as an Indigenous People within the United States and be given the rights, privileges, and entitlements afforded to its indigenous status. This would be the first essential step toward healing our people.

II. The 'Ohana - The Hawaiian Family System

Hawaiian health needs differ for each age group over the life span from a fetus forming in utero to birth, childhood, adolescence, adulthood, elderhood and death. In Hawaiian culture the common thread that flows through each of these age groups and binds them together is the 'ohana (or family bonded by blood or aloha). The 'ohana is made up of five generational stages, each stage with its own set of responsibilities and tasks:

**mo'opuna** (the infant or grandchild, the wellspring from which the future generations will flow); **keiki** (the young children who are nurtured); **'opio** (adolescents and young adults who are learning to master the knowledge and skills of adulthood); **makua** (older and middle-aged adults who produce, parent, feed, clothe and shelter their 'ohana, and are the experts in their vocations/professions); and the **kupuna** (the elders who teach and train the next generation). Addressing Hawaiian health needs from a systems-perspective requires that we examine those health problems/issues most prevalent for each age group, as well as discern how these health issues impact the integrity of the 'ohana.<sup>1</sup>

#### A. Population & Life Span Needs/Issues

Table 1, below, outlines the population make-up of Hawaiians by age group using first the Western classification ( Early Child, School Age, Adolescent, Young Adults, Adults, Middle Age, and Elders), followed by the Hawaiian classification (Mo'opuna, Keiki, 'Opio, Makua, and Kupuna). Data are from U.S. Bureau of Census (1990) Census of Population Characteristics, Hawaii (Washington, 1992). More recent data on the population of Native Hawaiians estimate an increase to 212,000, however, the percentages for each age group have essentially remained unchanged.

Age (Years) Western Life Stage	Male	Female	Total (Percent)	Hawaiian Life Stage
<b>Early Child/Pre-School</b>				<b>Mo'opuna</b>
Birth - 4	7,514	7,035	14,549 (10.5%)	14,549 (10.5%)
<b>School Age</b>				<b>Keiki</b>
5 - 12	12,315	11,739	24,054 (17.3%)	24,054 (17.3%)
<b>Adolescent</b>				
13 - 17	6,771	6,309	13,080 (9.4%)	
<b>Young Adult</b>				<b>'Opio</b>
18 - 34	19,341	19,683	39,024 (28.1%)	39,024 (28.1%)
<b>Adult</b>				
35 - 44	9,196	9,212	18,408 (13.3%)	
<b>Middle Age</b>				<b>Makua</b>
45 - 64	10,469	11,105	21,574 (15.6%)	21,574 (15.6%)
<b>Elders</b>				<b>Kupuna</b>
65 - Death	3,450	4,603	8,053 (5.8%)	8,053 (5.8%)
<b>All Ages</b>	69,056	69,686	138,742 (100%)	

B. Family Structure - Household, Economic, Stressor, & Abuse Profile - in general Hawaiians are over-represented among high risk indicators for family households, economic, psychosocial stressor and abuse profiles. Four major indicators are described below.

1. Family Size & Composition - Hawaiians tend to live in large, multi-generational family groups within multiple-room single dwellings. Notably within the family make-up is often the presence of single, teenage

<sup>1</sup> Unless specified, all data presented are from the Native Hawaiian Data Book (1998), Office of Hawaiian Affairs, Honolulu, HI.

mothers with infants and children. Twenty percent of Hawaiian births were to teenage mothers and over 45% of Hawaiian infants were born to unmarried mothers.

2. Economic & Employment Status - Hawaiian households rank the highest among households which receive Public Assistance, which include Aid to Families with Dependent Children (AFDC) and food stamps. Areas with higher levels of Public Assistance include Wai'anae, Nanakuli, Waimanalo Beach, and Molokai. While 6% of all families in Hawaii were below the poverty level, for the same period, 14% of all Hawaiian families were below the poverty level. Hawaiians had the highest unemployment rate, nearly double the county rate for all counties (Honolulu, Kauai, Hawaii, Maui) in Hawaii.

3. Additional Family Stressors: Incarceration of Parent and Youth - Hawaiian families are more likely to have a male parent incarcerated. Of the 8,000 adults arrested for crime index offenses, Hawaiians were nearly 1 of every 5 arrestees, of which: One of every 5 arrestees for property crimes, and one of every 4 arrestees for violent crimes. Among Youth offenders, Hawaiians were nearly one of every 3 arrestees for crime index offenses, of which: One of every 3 arrestees for property crimes, and one of every 3 for violent crimes.

4. Family Violence, Abuse & Neglect - Hawaiians rank third as victims and perpetrators of domestic violence related homicides. More alarming, are the findings that among Hawaiians, the total number of confirmed child abuse and neglect cases increased 300% from 1980 (240 cases) to 1990 (712 cases). The typical victim of child abuse and neglect is a 7 year old girl, whose abuser is most often a biological parent.

### III. Major Mental Health Needs/Issues by Age Group Across the Life span.

#### A. Mo'opuna (Fetus - 4 years old)

1. Perinatal Care & Maternal Substance Abuse - the needs/issues during this early child development stage is integrally related to the health, maturity, and life skills of the child's parent(s). Of particular importance is the health of the mother during the 1st and 2nd Trimester, when the fetus is at highest risk for neuro-biological injury. Too many Hawaiian women wait till the 2nd and 3rd Trimester before seeking perinatal care and over 43% of women who received NO perinatal care were Hawaiian. One reason for this late access to perinatal care may be because 20% of all Hawaiian births were to teenage girls. In addition, pregnant Hawaiians who were screened for substance abuse tested positive at a rate twice the state rate.

Recent advances in Neuroscience have shown that significant cognitive and behavioral processes can be adversely affected by in utero injury from poor maternal health, maternal smoking, alcohol, and substance abuse, as well as poor parenting and nurturance of the child within the first four years of life. Developmental Psychopathology studies have also shown that children raised in families where physical abuse and domestic violence occurs are more vulnerable to developing depressive and anxiety disorders as adults.

B. Keiki (5 - 12 years old) - behaviorally many Hawaiian keiki suffer from abuse and neglect, which was described earlier.

#### C. 'Opio (13 - 34 years old)

1. Mortality: Hawaiians account for over 73% of the deaths under 18 years of age. The percent of Hawaiians killed among the major causes of death, include:

- Motor Vehicle Accidents = 34%
- Other Types of Accidents = 37%
- Suicide: All Hawaiians = 25%; Hawaiian males = 25.8%; Hawaiian females = 24%
- Homicide: All Hawaiians = 22%; Hawaiian males = 21%; Hawaiian females = 23%

2. Adolescents: A large community-based study of 7,000 Hawaiian adolescents conducted by the University of Hawaii Native Hawaiian Mental Health Research Development Program (Andrade, et al., 1993-1999)<sup>2</sup> showed the following mental health findings (see Attachment #1):

- Symptoms of Psychopathology - Hawaiian adolescents had significantly higher mean levels of depressive, anxiety, conduct disorder/aggression, and substance abuse symptoms than Non-Hawaiians.

- Suicide Attempts - Hawaiians had a significantly higher rate of suicide attempts (12.9%) than Non-Hawaiians (9.6%). With Hawaiian males having a relatively greater risk for suicide attempt than their female or male (both Hawaiian and Non-Hawaiian) counterparts.

- Prevalence rates (see Attachment 1) of Mental Disorders show that:
  - Hawaiian female adolescents have higher rates of Depressive, Anxiety, Disruptive and Substance Abuse Disorders than their Non-Hawaiian counter-parts in Hawaii, as well as their counter-parts on the US mainland.
  - Hawaiian male adolescents have higher rates of Anxiety and Substance Abuse rates than their Non-Hawaiian counter-parts in Hawaii, and the US mainland.

3. Prevalence Rates of Other Behavioral Risks - Additional health risks in this age group which increase the likelihood of diseases such as lung cancer, diabetes, and cardiovascular disease in later years include:

- Cigarette Smoking: Hawaiians are 27% to 19% total population in Hawaii.
- Acute Alcohol Abuse: Hawaiians 20% to 15% total population
- Chronic Alcohol Abuse: Hawaiian 10% to 5.8% total population\*
 

\*During 1993, this trend decreased for the first time in 7 years (1986-1992), with Hawaiians 4% to 5% all others. Whether or not this trend will continue will depend on increase public prevention programs.

- Overweight: 43.4% of Hawaiians are more than twenty percent over their recommended weight, as compared to 24.9% for the total population in Hawaii. A recent study by Mau<sup>3</sup> which looked at diet and exercise, showed that in general Hawaiians ate diets which followed the American Dietary Association recommendations for fat, protein, carbohydrates and fiber; and in comparison to other ethnic groups were higher in fiber. However, for Hawaiians the amount of food consumed per meal far exceeded the amount consumed by other groups; and Hawaiians had the lowest levels of exercise. Therefore, the major cause of obesity among Hawaiians is not high fat, but high volume and a sedentary lifestyle.

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<sup>2</sup> Andrade, N. et al. (September 10-12, 1998) Report on The Native Hawaiian Mental Health Research Development Program. The Native Hawaiian Center For Excellence Annual Conference, Kailua-Kona, HI

<sup>3</sup> Mau, M. (September 10-12, 1999) Diabetes Mellitus & Intervention Programs to Effect Changes in Lifestyle Among Hawaiians. The Native Hawaiian Center For Excellence Annual Conference, Kailua-Kona, HI

#### 4. Substance Abuse

- Marijuana: is the 2nd most commonly abused drug in Hawaii. Nearly 40% of Hawaiians reported using marijuana, compared to 29% for Non-Hawaiians in Hawaii. Nearly 9% of Hawaiians admitted to current use, as compared to 6% for Non-Hawaiians.
- Methamphetamine (Ice): At a recent (December 1999) national conference on substance abuse, Methamphetamine abuse was described as "epidemic" in Hawaii. It is the third most commonly used drug after alcohol and marijuana. Hawaiians have been over-represented among ethnic groups in Hawaii for methamphetamine abuse with some families have multi-generation abuse and dealing within the same household.

#### D. Makua (35 - 64 years)

1. Mental Health & Substance Abuse: Adults in this stage of life have similar alcohol and substance abuse problems as 'Opio, with the additional caveat that Makua with addictions are usually long-term users with poorer prognostic indicators for staying clean and sober. Other longitudinal community studies of mental disorders among adolescents indicate that mental disorders of adolescence do NOT resolve themselves in adulthood. Hence, there is a high likelihood that the prevalence rates of disorders found among Hawaiian youth by Andrade and colleagues, will follow similar trends for adults. The same behavioral risk factors, listed above, also apply for this population.

E. Kupuna (65 to death) - the illnesses in this age group are predominantly the chronic manifestations and disabilities secondary to the three major killers—diabetes, cancer and heart disease. A major need of Hawaiian elders in this age group is the long term care for the cognitive and behavioral disabilities associated with diabetes and stroke.

### IV. Conclusions and Recommendations

A. Trends & Common Threads - four major trends or common threads are shown in the health needs of Hawaiians:

1. Disintegration of the 'Ohana - while Hawaiians continue to live in large, multi-generational households akin to the traditional Hawaiian family structure, the modern day 'ohana is stressed by a number of psycho-social factors that make living in a large household a HIGHER risk, rather than a PROTECTIVE factor.

- When compared to other children, Hawaiian children are more likely to be raised by a single mother, who 2 times out of ten be a teenager.
- Hawaiian families are more likely to have a biological father or brother incarcerated and have adolescent or adult family members who smoke and abuse alcohol, marijuana, and/or methamphetamine.

The psychosocial stressors listed above contribute significantly to child abuse and neglect, increased vulnerability to mental disorders such as depression and resulting suicide, and domestic violence.

2. Displacement of Pre-contact Life Style - moving from a subsistence-based agrarian society to a consumer-based capitalistic industry-driven society has displaced Hawaiians in terms of livelihood and recreational activities. Hawaiians have gone from a society whose livelihoods were based on daily physical activity where food gathering or work and play were combined (e.g., fishing and swimming) with designated periods for recreational and religious activities (e.g. Makahiki period), to a present-day society where employment in service/retail jobs are distinct activities from recreational exercise or play; and holidays are

interspersed throughout the year. Concomitantly, dietary practices in the past which required consumption of large amounts of kalo in the form of poi (a complex carbohydrate with no fat), supplemented by moderate amounts of salted fish and seafood, have been replaced by diets containing large amounts of highly processed, fatty and salted foods. The dietary practices can not keep pace with the sedentary life style, hence obesity becomes a major risk factor.

3. Lack of Prevention Programs - studies on diabetes, cancer, cardiovascular diseases, and emphysema show that Hawaiians are NOT accessing prevention programs that currently exist. Aluli and colleagues have reported compelling evidence that the use of Native Hawaiian Health Center networks have incorporated a unique cultural component into engaging Hawaiians to participate in prostate cancer and diabetes screening programs on Molokai and Maui.<sup>4</sup> These culturally unique approaches need to be expanded for diet, exercise, and smoking cessation programs.

Andrade and colleagues reported that Hawaiian high schoolers most often sought and preferred help for their emotional problems from their teachers and counselors, rather than a friend, a family member, minister, physician or nurse. These findings suggest that for adolescents engaging teachers and counselors to serve as facilitators for high schoolers to access mental health services may be useful.

4. Behavioral Manifestations of Stressors - at the heart of the above trends is the need to change behaviors with a concomitant reframing of how Hawaiians conceptualize their work, recreational activities and other activities which relieve them of daily stress (i.e., using daily exercise as opposed to a cigarette and beer to relieve stress). The high prevalence of depression, anxiety, disruptive and substance disorders among Hawaiian youth and adults is alarming because they precipitate and sustain family dysfunction and discord. These behavioral findings also signal a level of vulnerability which compromises the ability of Hawaiians to take control of their own destiny in their homeland.

B. Causal and Precipitating Factors - a number of social, behavioral and biological scientists have theorized why Hawaiians have become some of the sickest people in their homeland. Some have called it the Culture Loss - Stress Syndrome, whereby Hawaiians overtime have not yet recovered and reconstituted a new-society which blends core values and traditions governing how they worked and played from precontact society with the present-day values and practices of an 40-hour work week, coupled with structured exercise or play. Rather than integrate a multi-cultural perspective, which is commonly done by immigrant populations who choose to assimilate to American culture, Hawaiians reject a culture and society that they perceive as foreign, imposing and denigrating.

C. What Age Is Best to Make a Difference? - For the past 20 years major emphasize has been given to young children, mothers and elders. These age groups together make up approximately 40% of the Hawaiian population. However, the findings above show compelling evidence that the behavioral risk factors which predispose Hawaiians to diseases which increase their morbidity and mortality can be altered and eliminated through prevention initiatives conducted for 'Opio and Makua (Hawaiians between the ages of 18 through 64). These age groups together make up 60% of the Hawaiian population. They are also the major wage earners,

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<sup>4</sup> Aluli, E.; Reis, P.; Tsark, J.; and Chong, C. (September 10-12, 1999) Discussion on Community Prevention among Hawaiians. The Native Hawaiian Center For Excellence Annual Conference, Kailua-Kona, HI

parents to mo'opuna and keiki, and caregivers to aging kupuna within their 'ohana. It seems axiomatic, that a major emphasis for prevention should focus on this age group.

1. A Hawaiian Health Insurance Program - a possible mechanism to address the comprehensive needs of Hawaiians between the ages of 18 through 64 would be to design a comprehensive health care insurance program which emphasized prevention (with built in incentives), provides partial funding for Hawaiian weight loss programs which incorporated diet and exercise practices, smoking cessation, alcohol and substance abuse treatment, prenatal care, parenting skills and psychosocial treatments which increase coping, decreases violence, and enhances interpersonal skills for resolving conflict resolution and strengthens family and work relationships.

2. School - Affiliated Behavioral Health Programs - because of the stigma associated with seeking mental health services, establishing counseling and psychiatric services within Native Hawaiian Health Centers affiliated with Schools could be a way to provide access to Hawaiian children and adolescents. Behavioral Health services should include both allopathic and traditional Hawaiian healing approaches. The first link for students would be their teachers and counselors.

3. Alternative School Programs - existing public educational settings, while well-intended, are designed to require conformity before creativity or uniqueness. School curricula focus on rote memory and the dialectic as the means to transmit and master knowledge and skills. With rare exception public schools do not provide Hawaiian students with the traditional Hawaiian cultural process of experiential immersion as the mechanism for knowledge and skills transmission. We recommend the development of alternative school programs for Hawaiian youth to acquire knowledge and skills basic to being responsible citizens. One example, might be a program which utilized the voyaging canoes as a means to develop knowledge and skills in mathematics, ocean science, and physics; along with time management and organizing priorities; and how to establish and maintain discipline, healthy interpersonal relationships. Another, would be to utilize mahi'ai (farming) as a means to teach students values and behaviors that impart discipline, reading, writing and arithmetic skills, tenacity, planning, task completion, etc.

D. Mental Health Research - The Native Hawaiian Mental Health Research Development Program is a successful model that has demonstrated its effectiveness in developing a cadre of Hawaiian mental health researchers and scholars at the University of Hawaii Medical School Department of Psychiatry. Programs such as these are needed to further define the extent of psychopathology among community Hawaiians, the theoretical constructs that shape and sustain the Hawaiian psyche, design prevention and intervention programs which address the mental health needs of Hawaiians, and examine the efficacy of these interventions.



*Irakaki*  
*No request to*  
*participate*

November 18, 1999

Assistant Secretary John Berry  
c/o Document Management Unit,  
Department of the Interior  
1849 C Street, NW, Mailstop 7229  
Washington, D. C., 20240

Dear Mr. Assistant Secretary;

As a result of the apology bill your office is sending representatives to Hawaii to gather testimony regarding reconciliation with Native Hawaiians.

I believe that the people of Hawaii, along with the rest of the Nation have been misled by the Hawaiian sovereignty activist with regard to their selective quoting of Hawaii's history. The history of the 50th State involves more than people of only Hawaiian ancestry.

1. Activist claim that their lands were stolen. Not true.  
From the time of King Kamehameha The Great, until the reign of King Kamehameha III, a feudal system prevailed. The King was feudal lord, lesser chiefs paid rent for their land. Chief's rented to lesser tenants and sub-tenants. The rest of the masses lived as squatters and paid for their stay with two days work per week. One day for the immediate landlord, and one day for the King. In 1848, influenced by American missionaries, Kamehameha III ended the feudal system (the Great Mahele) dividing all the lands much of it in fee simple. The result;

Crown lands, private property of the King, 915,000 acres.  
Government lands, 1,495,000 acres. (Today's ceded lands)  
Chiefs and Nobles, 4,010,000 acres.  
11,132 commoners, 28,658 acres, approximately 2.5 acres each.  
The majority received nothing.


2. Activist favor their own sovereignty, or self determination. The monarchy is pau; (over). History indicates that the government under the last two monarchs were corrupt and incompetent, and in time could not survive on it's own. Previous monarchs knew ~~that~~ Hawaii would always require protection of a larger nation and attempted to give up sovereignty to England. From the time of the overthrow of 1893, up to 1978, Native Hawaiians never continuously fought for sovereignty. Hawaiians were well assimilated into the American form of government. Now over the past twenty years, all this talk about how rough it is to be Native Hawaiian. Thank God, Hawaii was annexed by the United States.
3. Activist claim sovereignty was never given up. Not true. Shortly after the coup de'tat of 1893, Queen Liliuokalani surrendered to the United States. (cont'd next page)

The United States refused to assist the Queen's return to power when she insisted on beheading the revolutionist. Liliuokalani did give up her throne.

4. Activist claim that the United States took over Hawaii in 1893 resulting in annexation. Not true. After the revolution, the Provisional Government of Hawaii remained independantly in power until the annexation in 1898.
5. Activist claim United States armed forces assisted in the overthrow of the monarchy. Not true. In 1874, American troops aided in keeping peace when the Hawaiian legislature chose Kalakaua as King over the former Queen dowager and Queen Emma's suporters rioted. 1893 was not the only time American soldiers marched in to maintain order.
6. Activist claim Native Hawaiians are wards of the state and at a disadvantage. Not true. They are United States citizens with extra programs. They become wards only if they want to be. Hawaiians are recipients of programs not afforded other citizens. Such as, The Kamehameha Schools (wealthiest in the nation), Liliuokalani Trust, Queen Emma Foundation (Queens Hospital), Lunalilo Trust, Alu Like (education, job assistance), Office of Hawaiian Affairs (OHA), Hawaiian Home Lands, and Special Medical Programs.
7. Activist claim Hawaiians are the "Indigenous" people of these islands. Not true. Archaeologist have proved that their first ancestors came from the Marquesas and later Tahiti. The first settlers arrived about the year 800 A.D. (Hon. Advertiser 10-28-99) They were the first in a long series of immigrants. The ancestors of today's Native Hawaiians arrived first. So everyone whose ancestors arrived later should pay them? So Mr. Assistant Secretary, should you move to Hawaii, then you should pay me. I was here before you.

As a taxpaying American why must I pay for something I had nothing to do with? I didn't steal any land. The Hawaiian people of 1999 did not loose any land. These people are trampling on everyone's rights. They are **NOT** victims. I call it mooching, pure and simple. The only reason this vocal minority of Hawaiians are attempting to extract whatever they can get is because for them it is free money. People have got to go and study Hawaii's history for themselves and not accept selective interpretation and lies by omission. Enough is enough.

Congress and the President apologized, but I sure won't.

  
Earl Arakaki  
91-030 Amio Street  
Ewa Beach, HI., 96706

Clinton R. Ashford  
45-628 Halekou Place  
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[cashford@hawaii.rr.com](mailto:cashford@hawaii.rr.com)

KSK

Mr. John Berry  
c/o Document Management Unit  
The Department of the Interior  
1849 C Street N.W.  
Mailstop 7024  
Washington, D.C. 20240

Re: "Reconciliation" Hearings in Hawaii

Gentlemen:

I was born and raised in Hawaii and have practiced law here for nearly 50 years. I am firmly opposed to any "reparations" being paid, or other entitlements being bestowed upon, Hawaiians solely on the basis of race. Aside from being unconstitutional, there is no justification for claims that Hawaiians, as distinguished from other citizens of Hawaii, were deprived of anything by the bloodless Hawaiian Revolution of 1893 when Queen Liliuokalani was deposed.

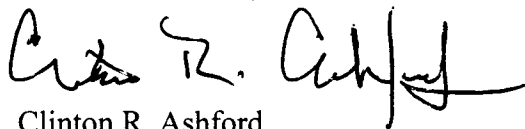
My grandfather emigrated to Hawaii in 1883 from Canada via California. By letters of denization, King Kalakaua granted him full privileges of a native born citizen. His three children, including my father, had those same privileges by virtue of birth here. But grandfather and his brother not only lost theirs by provisions of the Constitution of the Republic of Hawaii (Article 19, section 3), they also were exiled from Hawaii by reason of being implicated in the failed 1895 counter-revolution to reseate the Queen.

No individual Hawaiian lost land by virtue of the 1893 revolution, and all native born citizens suffered or profited (according to one's point of view) alike as a result of that political action. Even the claims of the Queen, who lost her throne and the income from the crown lands, were adjudicated in favor of the United States. *Liliuokalani v. The United States*, 45 Ct. Cl. 418 (1910). Neither the revolution nor anything that has happened since justifies privileged or punitive treatment of Hawaiians solely by virtue of blood -- of whatever quantum. My four children and six grandchildren, all of whom were born, raised and continue to reside in Hawaii, and some of whom are of mixed Asiatic and Caucasian ancestry, as well as other citizens of Hawaii, deserve the same treatment. See the enclosed copy of a recent letter to the Editor of the Honolulu Advertiser for a more full exposition of the historical and legal reasons for equal treatment.

The 1993 Apology Resolution passed by the United States Congress is replete with inaccuracies. The "invented history" that was foisted on Congress by the drafters of that

Resolution is fiction. The same can and must be said of similar inaccuracies written into three bills now pending before Congress: S225, S1767 and S1929. It is apparent that those of us who wish truth to be recognized, false claims exposed and equal treatment assured for all citizens of Hawaii, regardless of race, have a long row to hoe.

Very truly yours,

A handwritten signature in black ink, appearing to read "Clinton R. Ashford", with a stylized, cursive script.

Clinton R. Ashford

Nov. 18, 1999

From: GEORGE AVLONITIS  
2040 NUUANU AV # 503  
HONOLULU HI 96817  
Tel. (after 10 AM)  
(808) 228-6655

To: ASSISTANT SECRETARY JOHN BERRY  
c/o DOCUMENTS MANAGEMENT UNIT  
DEPARTMENT OF INTERIOR  
1849 C ST. NW MAILSTOP-7229  
WASHINGTON DC 20240

Dear Mr. Berry:

*Public Law 103-150*

- 1) In 1993 Congress and Pres. Clinton took the word of Hi. Senators about taking othe public lands of Hawaii without compensation to the Republic of Hawaii. NOT TRUE!

At the time of Annexation in 1898, compensation was effected through payment of the public debt of Hawaii (see EXHIBITS 1,1A), of at least \$ 2.6 million .

The public lands of 1.84 million acres X \$ 1.5 average price per acre in 1898 = \$ 2.76 million plus PLUS the "amounts due to depositors in the Hawaiian postal savings bank" , not to exceed \$ 4.0 million. The first bebt started in 1827.

EXHIBITS 1 ,1A

EXHIBIT 2 shows one of the last debts by King Kalakaua's rule, 1886.

- 2) The Hawaiian people were not against the Revolution that overthrew the Monarchy...

- a) In 1854 King Kamehameha IV was in the final negotiations for cession of Hi. to u.s. when he died. (SEE HI. ARCHIVES).  
b) See EXHIBIT 3 from Queen Liliuokalani's book, written after the Revolution, about her amazement that the Hawaiians did not ... understand that the P.G.S (Provisional Government of Revolution) were their enemies!

EXHIBIT 3

- c) In 1900 the Territorial Legislature (over 70% Hawaiians) elected a commoner as Hi . Delegate to U.S. congress, Robert W. Wilcox, a Hawaiian counterrevolutionary instead of "Crown Prince"

-2-

Kuhio! Kuhlows also a counter-revolutionary, who shared the prison with Wilcox...

In 1902 , kuhio joined the enemy (the Republican Party, the Revolution that overthrew his kingdom) and finally got elected to congress, knowing well that this would split the Hawaiian vote and they would lose the advantage of overwhelming majority.

In 1903 , five years after annexation, the territorial legislature with 73% Hawaiians voted unanimously for Statehood. (See Hi. Archives).

e) Hawaiians did not resist until 2 years after the overthrow, in 1895 when several hundred armed Hawaiians gathered near Diamond Head in Honolulu. 2 Government men and 5 Hawaiians were killed and it was over within hours.

f) In 9-2-1900 , seven years after the overthrow, the former Queen wrote in her diary: "THOUGH FOR A MOMENT IT"(THE OVERTHROW) "COST ME A PANG OF PAIN...THE PRESENT HAS HOPE FOR THE FUTURE OF MY PEOPLE" !!!

SHE WAS THE ONLY LOSER WHEN SHE WROTE THIS... SHE WAS A GREAT WOMAN. (My eyes were wet as I wrote this.)

g) In 1911 the former queen was "an interest observer and guest " at the opening ceremonies in Pearl Harbor. (King Kalakaua ceded it to U.S.... in exchange for duty free importation of sugar to U.S. Soon after the cession the sugar production increase d ten-fold....)

(see Hi. Archives for Kalakaua. For Queen see EXHIBIT 4)

h) In 1917 when U.S. entered WW I , the Queen raised the U.S. flag at her resident near the Palace (named long before "Washington Place") . The raising of the flag was done to demonstrate her loyalty to U.S.  
ALSO EXHIBIT 4

i) In 1959 plebiscite for Statehood 131,000 voted "YES" , 7,000 voted "NO".

Approx. 10% of the voters were Hawaiian. If only 4% of non Hawaiians voted "NO" that would be 5,000 votes of "NO" which leaves 2,000 "NO" votes for the 10-13,000 Hawaiians which is even less of the 15% "NO" by Hawaiian that has been estimated.

-3-

ONE OF THE GREAT MISINFORMATIONS IS THAT THE NUMBER OF HAWAIIANS IN HAWAII TODAY IS OVER 200,000!

j) In 1921 was the last count to determine the beneficiaries for the 203,000 acres given to 14,000 Hawaiians claiming over 50% Hawaiian blood quantum. plus 8,500 under 50% quantum. Before that, the official count under the Republic of Hawaii there were 30,000 pure (nobody could know the "pure" in any case) and 10000 others. Under better conditions the numbers were declining under U.S. rule, after 1898. After 1900 there was no separate census for Hawaiians.

To extrapolate their number today I took the number of U.S. residents in the whole U.S. in 1921 (106 million), and the number in 1998 (211 million, excluding the immigrants for the period 1921 to 1998) and the increase comes to 105%. Excluding the immigrants because we want to compare with Hawaiians.

This means that even if the Hawaiians suddenly (after 150 years of declining numbers until 1921) started to increase at the same rate as U.S. they would have increased by 105% in 1998 from 22,500 to 46,130.

There is more ... Today the Hawaiians maintain that 100,000 Hawaiians live in the mainland. So that's 1/3 of the total number of Hawaiians. So, of the 43,130, 1/3 must have moved to mainland. 28,800 in HI. Not... 203,000!

3) ANTIAMERICAN DEMONSTRATIONS BY HI. AUTHORITIES AND OTHERS.

a) In 1993, the 100 years since the overthrow of the Monarchy the part-Hawaiian governor Waihee ordered removal of U.S. flags during 4 days of commemoration, from State buildings.

b) In ten years in Hawaii there has not been a 4 of July parade. (The 4 of July fireworks called "4 of July Festival.")

This past 4 of July I tried to buy a flag for my car antenna and was told they do not carry them because nobody buys them (I put a 3X5 ft. flag in the back of my station wagon and it was the only flag I saw driving around Honolulu all day, except in the Federal buildings and the State House (I think...))

c) The Convention Center has the Haw. flag in the middle and to the right U.S. flag and left the ... convention C. flag.

(EXHIBIT 4A Photo of flags)

4) See exhibit 4B for what Hawaiians think about America.

5) Claims of worst statistics for Hawaiians.

a) Health of Hawaiians better than Japanese/Americans.

b) Education of " better than Philippine/ Amer. and Korea/Amer.

c) An employment and incarceration better than Samoan/Amer.

(EXHIBIT 5)

d) Family income Almost same as average in HI.: \$34,000 com-

-4-

pared to 35,000 average for the State.

#### 6) POVERTY OF BENEFICIARIES OF HAWAIIAN HOME LANDS.

The Department of Haw. Home Lands Hoaliku Drake (Hawaiian) said in 9-15-91 to a reporter BENEFICIARIES ARE MOSTLY HIGH MIDDLE CLASS!

#### EXHIBIT -6-

- 7) Haw. Home Lands given by U.S. to 14,000 50% Hawaiians in 1921 (14 acres per person. When the King divided the lands of Hawaii in 1848 gave 80,000 Hawaiians 30,000 acres. 1/3 acre per person.) 1 million acres for himself (he was selling 50,000 per year for personal use until in 1865 prodded by the missionaries, the legislature made the Crown Lands inalienable... The chiefs sold approx. 1.5 million acres almost 40% of their land in 46 years and before the end of the 19 century they were impoverished. (That's why Prince Kuhio made sure that the beneficiaries of the Haw. Home Lands could not sell them: They get a 99 year lease until today. Watch out when they demand to have title...)

Bernice PAUHI Bishop GOT almost 400,000 (FOUR HUNDRED THOUSEND ACRES) FROM THE KING. THAT'S THE BISHOP ESTATE. She is the only one who did not sell. The others on the list paid hard cash... to the chiefs.

The island of Niihau, 70,000 acres sold by the King Kam. V in 1865 for 10,000 acres. In California was selling the same acreage for 6,000. (No bargain. He told the buyer 10,000 or go to California...) (EXHIBIT -7-)

- 8) U.S.A. did not ban the Hawaiian language. THE HAWAIIANS DID.

Royal School: English only in the ...1830's!

Kam. IV (1854-1863) and later monarchs favored English.

The missionaries did not.!

In 1980 there were 2,000 Haw. speakers in Hawaii. These were the old timer in their 70's and 80's who died out. There is hardly anybody left, except in the private island of Niihau which is owned by the same Scottish family since 135 years and guards their culture jealously. (Gay and Robinson). But there are only 180 Haw. people there.

Several hundred students attend Hawaiian only schools but, not having anybody outside the school to practice when they go to visit Niihau where the Hawaiians who speak fluently ... cannot understand each other.

#### EXHIBITS 8, 8A



-5-

9) 60% of births are interracial. This means those 50% Hawaiians who were the beneficiaries (14,000) of the Haw. Homelands in 1921 1921 , are gone long ago and with 60% interracial births there is nobody even 25% left.  
The Hawaiians say anywhere from 20,000 to 40,000 100% Hawaiians.!

EXHIBIT 9,10

Very truly Yours



George Avlonitis

21

~~ENH~~  
**TESTIMONY OF EDWARD HALEALOHA AYAU, ESQ.**  
**NATIVE HAWAIIAN RECONCILIATION HEARINGS**  
**DECEMBER 1999**

*Aloha mai.* I wish to provide the following testimony in written form since I was not able to provide these comments orally at the O`ahu hearings. Since hours and hours of *mana`o* have already been shared by Native Hawaiians regarding the various means by which to reconcile the harm caused to us by the actions of the United States in the unlawful overthrow of our legitimate government in 1893, I have opted instead to focus on requesting an administrative remedy to a problem that profoundly affects Native Hawaiians, and North American Indian tribes and Alaska Natives. At the very least, the United States can support this request, and grant Native Hawaiian some relief as it strides for a more comprehensive response to the need for reconciliation. By providing this testimony, I by no means exhaust my right to continue to comment on the reconciliation needs of Native Hawaiians in re to the United States. Granting this request is only a start, albeit an excellent one.

I provide this testimony principally as a member of the Ayau, Hapai, and Ka`eo families, and secondarily as a member of Hui Malama I Na Kupuna O Hawai`i Nei (Hui Malama). I have been a member of Hui Malama for 10 years, and have helped with the repatriation of over 5,000 ancestral Native Hawaiian remains and funerary objects from Federal agencies and federally funded institutions pursuant to the authority of the Native American Graves Protection and Repatriation Act (NAGPRA).<sup>1</sup> The problem and remedy I propose as part of the overall reconciliation process are directly related to NAGPRA, more specifically, it's implementation by the National Park Service and the inherent problem that partnership has created.

### **The Conflict of Interest Problem**

I am deeply concerned about the treatment of Native Hawaiian ancestral remains and cultural items that are subject to consultation and repatriation pursuant to NAGPRA. When Congress enacted NAGPRA, it sought to define private property rights in these and other cultural items including sacred objects and items of cultural patrimony, while carefully attempting to balance the interests of science, museum ownership, and Native American and Native Hawaiian rights and responsibilities to their ancestral past. Congress placed the responsibility for NAGPRA implementation with the Secretary of the Department of Interior who in turn delegated the authority to the National Park Service, Archaeological Assistance Division. It seemed to make sense at the time. However, the problem this created is an inherent conflict of interest because the National Park Service is also responsible for complying with NAGPRA's provisions. Therefore, the agency in charge of assuring compliance and enforcement is allowed to stand in judgment of itself and similar National Parks across the country under the current administrative scheme-- an arrangement that needs to change.

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<sup>1</sup> I have attached a repatriation report that summarizes our activities over the past 10 years.

Further complicating this situation is that the National Park Service also serves as staff to the NAGPRA Review Committee that is statutorily charged with helping to address disputes, and fashion meaningful resolutions between the parties. Hence, a conceivable scenario is one where a tribe files a claim with a National Park for cultural items covered by NAGPRA, the National Park in turn denies the claim, the tribe appeals the decision to the NAGPRA Review Committee as a dispute and requests resolution procedures be commenced, and the staff preparing the matter for the NAGPRA Review Committee belongs to the same agency as one of the parties to the dispute. As a result, there exists an inherent conflict of interest.

One reason for concern by Hui Malama is a pending NAGPRA case with Volcanoes National Park. In that case, Hui Malama filed a claim with Volcanoes National Park (VNP) for associated funerary objects that the VNP has that were removed from burial caves in Kawaihae. Bishop Museum has NAGPRA responsibility for the *iwi kupuna* (ancestral remains) and *moe pu* (funerary objects) from this same cave and has already gone on record as agreeing to repatriate pursuant to NAGPRA as human remains, associated and unassociated funerary objects. However, VNP in Hawai'i who learned of the pending claim to these cultural items, notified their D.C. counterparts in the NAGPRA Program about their concerns over the pending repatriation claim. Moreover, VNP has yet to officially reply to the request.

Conceivably, the VNP could deny the repatriation claim and Hui Malama would no doubt appeal the decision to the NAGPRA Review Committee as a dispute and request resolution procedures be commenced. The staff in charge of preparing the matter for the NAGPRA Review Committee's consideration and for drafting the recommendations provided by the Committee, would be the same D.C. counterparts that the VNP staff already alerted regarding this claim. This is a problem because on its face is the appearance of impropriety and the fear of loss of fairness and objectivity.

Although at this writing, the aforementioned is but a hypothetical, the mere fact that it could become a real life problem is reason enough to consider making an administrative change. As Assistant Secretary Berry already knows all too well, there are more than one case in which this conflict has already arisen amongst Indian tribes including the Chaco Canyon case involving the Hopi Tribe and the Zuni Pueblo tribe's dispute with Chaco Canyon National Park.

As we see it, the conflict of interest has two facets. First, administration by the position that is also responsible for the nation's archaeology program (Departmental Consulting Archaeologist being in charge of the NAGPRA Program, a program that also calls for the mediation of archaeological interests), and second, administration by an agency (NPS) that must also comply with the provisions of NAGPRA. The proposed remedy must effectively address both facets of the problem.

## Hui Malama Efforts to Address the Conflict of Interest Problem

In recognition of this problem, the Board of Directors of Hui Malama I Na Kupuna O Hawai'i Nei passed Resolution 98-002<sup>2</sup> calling for the permanent separation of the NAGPRA Program responsibilities from the Departmental Consulting Archaeologist and redelegation to a neutral agency within the Department of Interior that is not compelled to comply with NAGPRA because it is not responsible for any collections of cultural items (so it does not have to do inventories, summaries, consultation, and repatriation), and it does not manage any federal lands (so there is no concern for compliance with the inadvertent discovery or intentional excavation requirements).

Furthermore, we urged the Senate Indian Affairs Committee last spring to hold an oversight hearing on this matter and the overwhelming testimony from tribes, as well as NAGPRA scholars was that there is a clear conflict of interest with the National Park Service implementing NAGPRA and being subject to complying with it.<sup>3</sup> Moreover, the witnesses urged Congress to recommend to the Secretary of Interior that the NAGPRA Program be reassigned to a neutral agency within Interior. Despite this clear directive, the Secretary of Interior has not taken any such corrective action.

## The Proposed Administrative Remedy

Hui Malama strongly urges the Secretary of Interior to redelegate the NAGPRA Program completely away from the National Park Service Archaeological Assistance Division to a completely neutral agency. We recommend that the NAGPRA Program be redelegated to the **Office of Policy, Management, and Budget (PMB)** because the PMB meets the requisite neutrality criteria of not having responsibility for NAGPRA compliance due to a lack of management of federal collection of cultural items or federal lands. The neutrality of the PMB will help restore the integrity of this process to all the parties involved. In addition, Hui Malama would object to any separation of NAGPRA responsibilities amongst different agencies, especially if the NPS continues to play any administrative role. Furthermore, Hui Malama recommends that the current staff of the NAGPRA Program be consulted for input on how best to conduct the redelegation in order to mitigate any negative effects on national implementation. This will help assure the smooth transition of the NAGPRA Program responsibilities and staff to PMB.

## Conclusion

*Mahalo nui* for the opportunity to testify. I look forward to a positive response, and an ongoing dialogue with officials of the United States that will result in an equitable resolution for Native Hawaiians who have suffered as a result of American intervention in our sovereign affairs. Although this is but a small remedy to a much larger problem, to the extent that it positively affects ancestral, living and yet to be born Hawaiians, it is most profound in its scope, and certainly a remedy that at the very least the United States can start with if they are truly serious about reconciliation. *Ola na iwi* (the bones live).

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<sup>2</sup> I have appended the Hui Malama resolution to this document.

<sup>3</sup> I have appended the testimony of Judge Sherry Hutt that identifies the conflict of interest and reiterates the need to redelegate in order to preserve the integrity of the NAGPRA process.